# ORDNANCE LAWS.

England - Laws & Statutes - III/IV. Ordnance.
K

+

1480 bb 13

B. 103

A

# COLLECTION

OF THE

# LAWS

RELATING TO THE

# ORDNANCE.

ROYAL ENGINEERS UBIQUE LIBRARY
LONDON




B. 133.

LONDON:

Printed by CHARLES EYRE and WILLIAM STRAHAN, Printers to the King's moſt Excellent Majeſty.

MDCCLXXIV.



# ABSTRACT

OF THE

# LAWS relating to the ORDNANCE.

## Artificers.

*Anno* 5° Geo. Cap. XXVII.

*An Act for preventing the Inconveniencies arising from ſeducing Artificers in the Manufactures of* GREAT BRITAIN *into foreign Parts.*

### SECT. I.

IF any Perſon ſhall contract with, entice, or ſolicit any Artificer, in Iron, Steel, Braſs, or any other Metal, to go out of this Kingdom into foreign Countries out of the King's Dominions, and ſhall be convicted thereof in any of the Courts at *Weſtminſter*, or at the Aſſizes or Quarter Seſſions for any County *&c.* the Perſon ſo convicted ſhall be fined, not exceeding 100*l.* for the firſt Offence, at the Diſcretion of the Court, and impriſoned Three Months, and till the Fine be paid; for the ſecond

Penalty of 100 *l.* for the firſt Offence againſt this Act.

A diſcretionary Fine, and Twelve Months Impriſonment, for the Second Offence.

second Offence, fined at the Discretion of the Court, and be imprisoned Twelve Months, and till the Fine be paid.

When to be prosecuted.

SECT. II. Prosecution to be within Twelve Months after the Offence committed.

Any Artificer going into a Foreign Country, there to exercise his Trade, and not returning within Six Months after Warning given, shall be incapable of taking a Legacy, forfeits his Goods, and is deemed an Alien.

SECT. III. If any of the King's Subjects, being such Artificers, shall, after the first of *May* 1719, go into any Country out of His Majesty's Dominions, there to exercise or teach any of the Trades to Foreigners; and if any of the King's Subjects, who now are, or hereafter shall be, in any such Foreign Country, and there exercising any of the said Trades, shall not return into this Realm within Six Months after Warning given them by the Ambassador, or Envoy, President, Minister, or Consul, of the Crown of *Great Britain*, in the Country where such Artificers shall be, or by any Person authorised by such Ambassadors, *&c.* or by one of the Secretaries of State, and from thenceforth continually inhabit within this Realm; every such Person shall be incapable of taking any Legacy, or of being an Executor or Administrator, and of taking Lands, *&c.* within this Kingdom, by Descent, Devise, or Purchase; and also shall forfeit all their Lands, Goods, *&c.* within this Kingdom, to His Majesty's Use; and shall be deemed Aliens, and be out of His Majesty's Protection.

Justices of Peace, on Complaint of any Offence against this Act, may issue Warrant for the Offender, and, upon refusing to give Security for his Appearance at the Assizes, may commit to Gaol.

SECT. IV. After the said first of *May* 1719, upon Complaint made upon Oath before any Justice of the Peace, that any Person is endeavouring to seduce any such Artificer, or that any such Artificer hath contracted, or is preparing to go out of His Majesty's Dominions for any the Purposes aforesaid; in such Case, any Justice of the Peace, to whom such complaint shall be made, may send his Warrant to bring the Person complained of before him, or before some other Justice; and if it shall appear to such Justice, by the Oath of One or more credible Witnesses, or by Confession, such Justice may bind the Person so charged to appear at the next Assizes, or General Quarter Sessions, to answer the Premises, with reasonable Sureties for his Appearance; and if such Person shall refuse to give such Security, the Justices may commit him to the County Gaol, there to be kept till the next Assizes, or Quarter Sessions, and until he shall be delivered by due Course of Law: And if any such Artificer shall be convicted upon an Indictment,

ment, to be preferred againſt him, of any ſuch Promiſe, Contract, or Preparation, to go beyond the Seas for any of the Purpoſes aforeſaid, the Perſons ſo convicted ſhall give Security to the King not to depart out of His Majeſty's Dominions, as ſuch Court ſhall think reaſonable; and ſhall be impriſoned till ſuch Security is given.

Perſons convicted ſhall give Security not to depart the Kingdom, or be impriſoned till Security is given.

SECT. V. If any of the above Offences ſhall be committed in *Scotland*, the ſame ſhall be proſecuted in the Court of Juſticiary, or Circuits, there.

Offenders in *Scotland* triable there.

## Embezzlement of Stores.

*See* Stores.

---

## Fortifications, and Lands purchaſed for Fortifications.

*Anno* 7° Annæ, Cap. XXVI.

*An Act for appointing Commiſſioners to treat and agree for ſuch Lands, Tenements, and Hereditaments, as ſhall be judged proper to be purchaſed for the better fortifying* Portſmouth, Chatham, *and* Harwich.

SECT. I.

WHEREAS, for the better ſecuring Her Majeſty's Docks, Ships of War, and Stores, it is highly neceſſary to enlarge and ſtrengthen the Fortifications at or near *Portſmouth*, *Chatham*, and *Harwich*, and, in order thereunto, to purchaſe ſeveral Lands, Tenements, and Hereditaments, ſome of which are or may be the Eſtates of Infants, Femes-covert, Eccleſiaſtical Corporations, or other Perſons, who by Law are diſabled to make any Contracts or Conveyances; in all which Caſes, as likewiſe where any Proprietors deſigning to obſtruct the Publick Service, or to make any unreaſonable Gain to themſelves, inſiſt on extra-

vagant Rates, it will be neceſſary to have Recourſe to th uſual Methods that have been taken in ſuch like Caſes: Be it therefore enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for Her Majeſty, under the Great Seal of *Great Britain*, to authoriſe and appoint any Number of Perſons to be Commiſſioners to make Surveys of, and particularly deſcribe ſuch Lands, Tenements, or Hereditaments, as are proper to be purchaſed for the Uſes and Purpoſes aforeſaid.

The Queen to appoint Commiſſioners to ſurvey, *etc.* the Lands to be purchaſed,

SECT. II. And, to the Intent all Encouragement and Expedition may be given to ſo neceſſary a Work, and that all Impediments and Obſtructions which may retard and hinder the carrying on the ſame may be removed, and all reaſonable Satisfaction may be given for all ſuch Lands, Tenements, and Hereditaments, as ſhall be thought neceſſary to be taken and employed, or purchaſed, for the Uſes aforeſaid,—the ſaid Commiſſioners, or any Five or more of them, are hereby authoriſed and impowered to treat and agree with the Owners, and others, intereſted in any ſuch Lands, Tenements, or Hereditaments: And in caſe there ſhall be any Perſon or Perſons, Bodies Politick or Corporate, Eccleſiaſtical or Civil, that ſhall wilfully refuſe to treat and agree as aforeſaid, or through any Diſability, by Nonage, Coverture, or ſpecial Limitations, in any Settlements, or by reaſon of any other Impediment, cannot diſpoſe of their reſpective Intereſts in ſuch Lands, Tenements, or Hereditaments; in every ſuch Caſe, the ſaid Commiſſioners, or any Five or more of them, are hereby authoriſed and required to iſſue forth their Warrant or Warrants to the Sheriff or Sheriffs of the reſpective Counties, wherein ſuch Lands, Tenements, or Hereditaments, ſhall lie, to impanel and return before the ſaid Commiſſioners, at ſuch Times and Places as ſhall be appointed in ſuch Warrant or Warrants, a ſufficient Jury, who, upon their Oaths, (which the ſaid Commiſſioners, or any Five or more of them ſhall have Power to adminiſter), ſhall inquire into the true Value of all ſuch Lands, Tenements, and Hereditaments, and the Eſtates

Any Five of the Commiſſioners appointed to agree with the Owners of the Lands, *&c.*

Perſons refuſing to treat or incapable,

the Commiſſioners may iſſue Warrants to the Sheriff, to impanel a Jury to inquire into the true Value;

Eſtates and Intereſts therein, as the ſaid Commiſſioners, or any Five or more of them, ſhall judge requiſite to be purchaſed for the Purpoſes aforeſaid; and ſuch Verdict or Inquiſition, as ſhall be ſo found, and given in by the ſaid Jury, ſhall be returned and certified to Her Majeſty, into the High Court of Chancery, on or before the 23d *October*, 1709.

And their Verdict to be certified into Chancery, by the 23d *October*, 1709.

SECT. III. Provided always, That no Commiſſioner who ſhall be employed in the Execution of this Act, ſhall be liable, for or by reaſon of ſuch Execution, to any of the Penalties mentioned in the Act of the 25 *Car.* II. *c.* 2. nor the 1ſt. of *Will.* and *M. c.* 8. nor the 13 and 14 *Will.* III. *c.* 6.

The Commiſſioners not to be liable to the Penalties in the Acts of 25 *Car.* II. *c.* 2; 1 *W.* and *M. c.* 8; 13 and 14 *W.* III. *c.* 6.

SECT. IV. Provided, and be it enacted, That ſuch Commiſſioners as Her Majeſty ſhall nominate for the Purpoſes in this Act, or any of them, ſhall not, by reaſon thereof, in any Sort be diſabled or diſqualified from ſitting in the Houſe of Commons, or their Election thereby become void; any Law or Statute to the Contrary thereof in any-wiſe notwithſtanding.

The Commiſſioners not to be diſqualified from ſitting in the Houſe of Commons.

---

*Anno* 8° Annæ, Cap. XXI.

*An Act for veſting certain Lands, Tenements, and Hereditaments, in Truſtees, for the better fortifying and ſecuring the Harbours and Docks at* Portſmouth, Chatham, *and* Harwich.

SECT. I.

WHEREAS, in purſuance of an Act of Parliament, paſſed in the Seventh Year of Her now Majeſty's Reign, intituled, "An Act for appointing Commiſſioners, "to treat and agree for ſuch Lands, Tenements, and Here-"ditaments, as ſhall be judged proper to be purchaſed for the "better fortifying *Portſmouth*, *Chatham*, and *Harwich*," Her Majeſty was pleaſed, by Letters Patent, under the Great Seal of *Great Britain*, bearing Date at *Weſtminſter* the Seventeenth Day of *June*, in the Eighth Year of Her Reign, to

A Recital of the Act of the 7th *Anne*, *c.* 21.

to authoriſe certain Perſons therein mentioned, or any Five or more of them, to make Surveys of, and particularly deſcribe, all ſuch Lands, Tenements, and Hereditaments, as are proper to be purchaſed for the Uſes and Purpoſes aforeſaid, and to execute all Powers, Directions, Clauſes, Matters, and Things, in the ſaid Act contained: And whereas Five or more of the ſaid Commiſſioners have made Surveys of, and particularly deſcribed, by Lines, Stakes, Boundaries, and Plans, ſuch Lands, Tenements, and Hereditaments, as they judged proper to be purchaſed for the Uſes and Purpoſes in the ſaid Act mentioned, and have likewiſe treated and agreed with ſeveral of the Owners, and others, intereſted in the ſaid Lands, Tenements, and Hereditaments, who were able and willing to treat and agree for the ſame: And whereas ſeveral Proprietors of Lands, Tenements, and Hereditaments, in the reſpective Places of *Portſmouth*, *Chatham*, and *Harwich*, which were by Five or more of the ſaid Commiſſioners judged proper to be purchaſed, have inſiſted upon extravagant Rates, and refuſed to agree with the ſaid Commiſſioners, without unreaſonable Gain to themſelves, and other Proprietors, by reaſon of Nonage, Coverture, or eſpecial Limitations in Settlements, were diſabled to treat and agree, as aforeſaid, for which Reaſons, Five or more of the ſaid Commiſſioners, purſuant to the ſaid Act, iſſued out their Warrants to the Sheriffs of each County where the ſaid ſeveral Lands, Tenements, and Hereditaments reſpectively lay, to impanel and return before them, at ſuch Times and Places as by ſuch Warrants were appointed, a ſufficient Jury, and at ſuch Times and Places reſpectively a ſufficient Jury appeared, who, upon their Oaths, did inquire into, and preſent the true Value of all ſuch Lands, Tenements, and Hereditaments, and the Eſtates and Intereſts therein, as the ſaid Commiſſioners could not agree for as aforeſaid, which ſeveral Verdicts or Inquiſitions have been returned and certified, with the whole Proceedings thereupon, to Her Majeſty, into the High Court of Chancery, purſuant and according to the ſaid Act of Parliament; and it being highly neceſſary that all and ſingular the Proprietors, Owners, and Poſſeſſors, ſhould be paid their ſeveral and reſpective Sums

agreed

agreed for, and the ſeveral Sums aſſeſſed by the Juries on Oath, as aforeſaid, and that the ſeveral Lands, Tenements, and Hereditaments, ſhould, upon Payment of the ſaid Sums, be veſted in Her Majeſty, Her Heirs and Succeſſors, to and for the Uſes and Purpoſes aforeſaid; be it enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in Parliament aſſembled, That all and ſingular the Meſſuages and Lands, Tenements, and Hereditaments, in or near *Portſmouth*, *Chatham*, and *Harwich* reſpectively, which have been judged proper to be purchaſed, and are ſtaked out as aforeſaid, and are mentioned, ſet forth, and ſpecified by the ſeveral Verdicts or Inquiſitions returned as aforeſaid, ſhall, from and after the Tenth Day of *April*, One thouſand ſeven hundred and ten, be, and are hereby veſted, and ſettled, and declared, and taken to be, in the actual and real Poſſeſſion and Seiſin of the Right Honourable Sir *Richard Onſlow* Baronet, Speaker of the Houſe of Commons, the Honourable *Charles Powlet*, commonly called *Lord Marquis of Winchester*, *Thomas Jervoiſe* Eſquire, Sir *Thomas Palmer* Baronet, *David Pollhill* Eſquire, Sir *Francis Maſham* Baronet, and *Thomas Middleton* Eſquire, their Heirs and Aſſigns, in Truſt, nevertheleſs, for ſuch Perſon and Perſons, Bodies Politick and Corporate, as, at or immediately before the Time of making this Act, were the ſeveral and reſpective Owners, Proprietors, and Tenants thereof, according to their ſeveral Eſtates and Intereſts therein, at the ſame Time in Poſſeſſion, Reverſion, Remainder, or otherwiſe, until ſuch Eſtates and Intereſts ſhall be reſpectively adjudged and determined, and the ſeveral Sum or Sums of Money ſhall be paid, or Certificates ſhall be made forth and depoſited, as hereafter is directed, for the ſame, in Manner and Form as hereafter is enacted, mentioned, and expreſſed.

After 10 *April*, 1710, the Meſſuages, &c. ſpecified by Inquiſitions returned, are ſettled in Truſtees for the Uſe of the reſpective Owners.

Sect. II. And becauſe ſeveral Controverſies and Debates may ariſe touching and concerning the reſpective Intereſts of the Proprietors and Tenants, as to their ſeveral Demands to the reſpective Sums agreed for and aſſeſſed as aforeſaid, and becauſe ſeveral Perſons claim or pretend to a Right in One and the ſame Meſſuage and Tenement, and likewiſe becauſe

because the Commissioners before mentioned had not Power to oblige any Proprietor or Tenant to produce their Deeds or Writings, which should make their several Rights and Interests appear: To the End therefore that all Differences and Controversies whatsoever relating to or touching the Premises may be in an easy and summary Way determined,

The Queen may appoint Commissioners,

be it enacted by the Authority aforesaid, That it shall and may be lawful for Her Majesty to appoint Commissioners, under the Great Seal of *Great Britain*, which Commissioners, or any Five or more of them, not being Parties interested, are hereby authorised and impowered, and shall and may summarily, and without the Formalities of Proceedings in Courts of Law and Equity, proceed, act, and determine, by and upon the Testimony of Witnesses upon Oath, (which Oath they, or any Five of them, are hereby impowered to administer), Inspection and Examination of Deeds, Writings, and Records, or by all or any of the said Ways, or otherwise, according to their Discretion, all and all Manner of Rights, Estates, and Interests, and all Controversies, Debates, and Questions, which shall happen and arise between any Person whatsoever, touching or concerning any Matter or Thing relating to any of the Premises, or any Part thereof, and shall have Power to send for any Person or Persons, and oblige them to produce their Deeds or Writings upon Oath, relating to any of the same; and the said Commissioners, or any Five or more of them, are hereby required to cause all their Judgements and Decrees to be entered fairly in Books; which Judgements and Decrees shall expresly mention and specify the respective House or Houses, Number of Acres or Parcels of Land, with their several Abuttals and Boundaries, together with the Name or Names of every Person or Persons interested respectively in the same, and the respective Sum or Sums agreed for, by and between the aforesaid Commissioners and Proprietors, or assessed by a Jury; which Judgements and Decrees shall likewise be fairly engrossed on Parchment, and certified to the Clerk of the Crown, in Chancery, and to the Queen's Remembrancer, in Her Majesty's Court of Exchequer, and such Judgements and Decrees made as afore-

who may determine all Rights.

The Commissioners to enter their Decrees in Books, &c.

which Decrees shall be certified to the Clerk of the Crown, and be final.

ſaid ſhall be final, and ſhall conclude all and every Perſon and Perſons, Bodies Politick and Corporate, their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns reſpectively, notwithſtanding any Diſability or Incapacity whatſoever; any Law, Statute, or Cuſtom, or other Matter or Thing whatſoever, to the Contrary notwithſtanding.

The Commiſſioners ſhall give 30 Days Notice of their Meeting.

SECT. III. And be it further enacted, That Five or more of the ſaid Commiſſioners ſhall give Notice, in Writing, Thirty Days at leaſt before their Meeting, at each Place, which Writing ſhall be affixed at the Door of the reſpective Town Halls of *Portſmouth*, *Rocheſter*, and *Harwich*, and ſhall be likewiſe cauſed to be publiſhed in the *London Gazette*, to the Intent that no Perſon or Perſons may have any Excuſe or Pretence for not appearing; and if any Perſon ſhall refuſe to appear, or when he appears ſhall wilfully refuſe to ſhew his Deeds or Writings relating to the Premiſes, that then the ſaid Commiſſioners, or any Five or more of them, ſhall proceed, upon the beſt Information they can get, or have, to make ſuch Judgements and Decrees as before directed; and all ſuch Judgements and Decrees, being entered and certified as aforeſaid, ſhall be final and concluſive: And, to the Intent that all and ſingular the Proprietors aforeſaid may be paid for their reſpective Eſtates and Intereſts all and every ſuch Sum or Sums of Money as have been agreed for, or aſſeſſed upon Oath, as aforeſaid, the Commiſſioners, or any Five or more of them, are hereby impowered and required, without any Fee or Reward, to give their Certificate or Certificates, ſigned by Five or more of them, to every Proprietor, or other Perſon intereſted in the Premiſes, expreſſing the Houſe or Houſes, Number of Acres, or Parcel of Land, with the Name of the Perſon or Perſons, Bodies Politick or Corporate, and the Sum he, ſhe, or they, is or are to receive; which Certificate or Certificates ſhall authoriſe and impower the Surveyor General of the Ordnance for the Time being to make out and allow a Bill or Bills to the Perſon or Perſons, Bodies Politick or Corporate, mentioned in ſuch Certificates, which Bill or Bills, ſo made out and allowed, ſhall likewiſe expreſs the reſpective Houſe or Houſes, Number of Acres, or Parcel of Land, together with the Name of the Perſon or Perſons, Bodies Politick or Coporate,

How the Commiſſioners ſhall proceed, if Perſons refuſe to ſhew their Deeds, &c.

Their Decrees ſhall be final.

How the Proprietors ſhall be paid for their reſpective Eſtates.

rate, as aforesaid, and the respective Sum or Sums to be paid; and thereupon One or more Debenture or Debentures shall be prepared for the several and respective Sums, as aforesaid, by the Clerk of the Ordnance for the Time being, and signed by Three or more of the principal Officers of the Ordnance for the Time being, which Debenture or Debentures are hereby required to be paid by the Treasurer of the Ordnance for the Time being, who shall take Acquittances from the Parties indorsed thereon; and that immediately from and after such Payment, the Trustees before mentioned shall be deemed and adjudged to stand seised of such Part or Parcel of the Premises as shall be so paid for, to and for the Use of Her Majesty, Her Heirs and Successors, for ever. And if any Person or Persons, Bodies Politick or Corporate, shall wilfully refuse to accept of or receive such Certificates from the said Commissioners, as aforesaid; that then, and in such Case, it shall and may be lawful for the said Commissioners, or any Five or more of them, to leave and deposit such Certificates with the Clerk of the Peace of the respective Counties where such Messuages, Lands, or Tenements, do lie, and shall make an Entry in their Books of the same, which shall be taken and deemed to be valid, and the Messuages, Lands, Tenements, and Hereditaments, of such Person or Persons, Bodies Politick or Corporate, shall be vested to the Use of Her Majesty, as if he, she, or they, had received the same.

No private Building to be erected.

Sect. IV. Enacted, That no private Building or Buildings shall be made or erected upon any of the Lands vested in Her Majesty, as aforesaid; and that the whole Profits arising, or that shall hereafter arise from the same, be, and are hereby appropriated and applied for and towards the Erection and Reparations of the respective Fortifications of each Place; and all and singular the Premises shall be, and are hereby enacted and declared to be unalienable from the Crown, neither shall any Part of the Premises be demised or demiseable, otherwise than during Pleasure only.

If any House, &c. shall belong to Persons disabled to receive the Money, the Commissioners may order it to be paid for their Use,

Sect. V. Enacted, That if any Messuages, Lands, Tenements, or Hereditaments so to be purchased as aforesaid, for the Use of the Publick, or any Interest therein, shall belong to any Corporation, or Body Politick, Ecclesiastical, or Civil,

Civil, or to any other Perſon or Perſons whatſoever, who, by reaſon of any Diſability, are not able or capable, by Law, to take and diſpoſe of the ſeveral Sums which ſhall be due and payable, for and in reſpect of their ſeveral Intereſts in Lands, Tenements, or Hereditaments; in every ſuch Caſe it ſhall and may be lawful for the ſaid Commiſſioners, to be appointed by Her Majeſty as aforeſaid, or any Five or more of them, to direct, order, and decree, into whoſe Hands ſuch Sums of Money ſhall be paid for the Uſe of ſuch Corporation, or Bodies Politick, and the reſpective Perſons intereſted therein; which ſeveral Sums of Money ſhall, with all convenient Speed, be laid out according to ſuch Directions as the ſaid laſt-mentioned Commiſſioners, or any Five or more of them, ſhall, from Time to Time, give for the purchaſing other Lands, Tenements, or Hereditaments, in Places moſt convenient for the Parties intereſted, their Heirs and Succeſſors; and as ſoon as proper Purchaſes can be found out, ſuch new-bought Eſtates ſhall be conveyed and ſettled to the ſame Uſes, Intents, and Purpoſes, as the former Eſtates were ſettled, at ſuch Time as they became veſted in the Truſtees appointed by this Act; and until ſuch Settlements can be made, it ſhall and may be lawful for the ſaid laſt-mentioned Commiſſioners, or any Five or more of them, to place ſuch Monies out at Intereſt, on Parliamentary Funds, or other good Securities, which Intereſt ſhall, from Time to Time, as the ſame ſhall grow due, be paid to the ſeveral and reſpective Parties intereſted in ſuch principal Sums.

aud laid out for purchaſing other Lands for the Parties intereſted;

and till ſuch Purchaſe can be had, the Commiſſioners to place out the Money at Intereſt, to be paid to the reſpective Parties.

---

## *Anno* 9° Geo. Cap. XXXII.

*An Act for confirming Articles of Agreement between the Principal Officers of the Ordnance and* Thomas Miſſing *Eſquire, for Exchange of Lands at* Portſmouth, *for the Service of His Majeſty.*

THE firſt Part of this Act recites ſeveral Deeds, and the Agreement on both Sides.

Enacted, That all that Piece of Ground, called heretofore the *Backſide*, and Garden, ſituate in *Portſmouth*, in *Saint Mary Street*, containing on the South Side One hundred

A Piece of Ground in *Portſmouth*, belonging to *Thomas Miſſing* Eſq. veſted by way of Exchange in the principal Officers of the Ordnance for the Service of His Majeſty.

and eighty-five Feet in Length, or thereabouts, bounded by a Garden, formerly belonging to *Daniel Collins*, deceaſed, afterwards to his Son *Thomas Collins*, lately to *Thomas Ridge* Eſquire, and now to His Majeſty, containing, on the Eaſt End thereof, Fifty-four Feet in Length, bounded by the Houſe and Land of *John Melliſh*, and containing, on the North Side thereof, One hundred and ninety-three Feet in Length, or thereabouts, bounded by the Land where the Hoſpital Barracks did ſtand, and containing, on the Weſt End, Seventy-three Feet in Length, or thereabouts, and bounded by other Tenements of the ſaid *Thomas Miſſing* Eſquire, which he reſerved to himſelf, containing in the Whole One thouſand two hundred forty-four ſuperficial Square Yards, formerly the Freehold of *John Shepherd*, deceaſed; and alſo all thoſe Storehouſes, Picklehouſes, Slaughterhouſes, and all other Buildings now ſtanding on Part of the ſaid Garden, and all Profits, *&c.* to the Premiſes belonging, or therewith uſually held, and all the Intereſt of the ſaid *Thomas Miſſing* in the ſame, ſhall be veſted in *William* Earl of *Cadogan*, *Charles Wills*, *John Armſtrong*, *Thomas White*, *George Gregory*, and *Leonard Smelt*, and their Heirs, in Truſt, for His Majeſty, His Heirs and Succeſſors, for ever.

A Piece of Ground at *Portſmouth*, belonging to the King, veſted, by way of Exchange, in *Thomas Miſſing* Eſq.

It is further enacted, That all that Piece of Beach Ground, lying without the *Point Gate* of *Portſmouth*, having a Street, formerly a Foot Path, leading to the *Point*, on the Weſt, and the Camber or Sea Water on the Eaſt, a Piece of Ground and a Way leading from thence to the Water Side, lately demiſed to *Thomas Read*, by *Nicholas Pierſon*, on which ſaid Piece of Ground and Way now ſtands a Meſſuage or Tenement of *Charles Biſſell*, Gentleman, on the North, and other Part of the ſame Ground, whereon now ſtands a Storehouſe, and other Buildings of *James Garrett*, on the South, containing in Breadth, next to the ſaid Way or Street, Sixty-two Feet of Aſſize, little more or leſs, and from the ſaid Way or Street next the Land late of the ſaid *Nicholas Pierſon*, ſtraight and even downwards, on the South, in Length Twenty-five Feet, and from thence ranging down to the Key, and in Length to the Key, next the Water, Sixty Feet, and in Breadth, next the ſaid Camber or Sea Water, on the Eaſt, Sixty Feet, and in Depth towards the Camber,

on

on the North Side to a Break, Fifty-nine Feet, which Break contains in Breadth from South to North Eighteen Feet, and from the North End of the Break to the Camber Thirty-three Feet; and alſo all that Meſſuage or Tenement, Wharf and Key, with certain Storehouſes, and other Buildings, upon the aforeſaid Piece of Beach Ground, erected and built, and which ſaid Ground and Erections are become veſted in the ſaid *William* Earl of *Cadogan*, *Charles Wills*, *John Armſtrong*, *Thomas White*, *George Gregory*, and *Leonard Smelt*, their Executors and Adminiſtrators, in Truſt for His Majeſty, His Heirs and Succeſſors, for the Remainder of a Term of Nine hundred and ninety-nine Years, commencing from the 25th of *March* 1653; and all that Key, ſituate lying and being at the lower End of the *Point*, adjoining to *Portſmouth* aforeſaid, and commonly called *Pierſon's Key*, in Length on the Eaſt Seventy Feet, and on the Weſt Seventy-five Feet and a Half, on the North Sixty-ſeven Feet, and on the South adjoining to the Houſe formerly of *Thomas Hunt*, and now of *Peter Lovermore*, in the Poſſeſſion of *Tobias Drake*, and the Street, Eighty-five Feet, adjoining to the ſaid Houſe and Storehouſe, late of the ſaid *Thomas Hunt*, now of the ſaid *Peter Lovermore*, on the South and to the Sea, on the North and Eaſt Parts, and facing againſt the ſaid Street on the Weſt, veſted alſo in *William* Earl of *Cadogan*, *Charles Wills*, *John Armſtrong*, *Thomas White*, *George Gregory*, and *Leonard Smelt*, their Executors and Adminiſtrators, for the Remainder of a Term of Ninety-nine Years, commencing from the 25th of *March* 1675, at and under the yearly Rent of Five Shillings, and all Profits, Privileges, and Appurtenances, to the ſaid Leaſehold Premiſes belonging, and therewith held, and all the Eſtate, Right, Title, and Intereſt, of the ſaid *William* Earl of *Cadogan*, *Charles Wills*, *John Armſtrong*, *Thomas White*, *George Gregory*, and *Leonard Smelt*, or either of them, and all the Truſts, Equity, Claim, and Demand, of His Majeſty to the ſame, ſhall be veſted in *Thomas Miſſing*, during all the Remainder of the reſpective Terms of Nine hundred and ninety-nine Years, and Ninety-nine Years yet to come and unexpired, in as full and ample Manner as the ſaid *William* Earl of *Cadogan*, *&c.* or His Majeſty, His Heirs and Succeſſors, might have held the ſame, notwithſtanding the Reſtrictions

ſtrictions in the Firſt of Queen *Anne*, for the better Support of Her Majeſty's Houſehold.

A ſaving Clauſe of Right to all other Perſons.

Saving and reſerving always, to all Bodies Politick and Corporate, and all other Perſons, except His Majeſty, His Heirs and Succeſſors, as to the Premiſes hereby veſted in *Thomas Miſſing*, and except *Thomas Miſſing*, as to the Premiſes hereby veſted in the ſaid *William* Earl of *Cadogan*, *Charles Wills*, *John Armſtrong*, *Thomas White*, *George Gregory*, and *Leonard Smelt*, and their Heirs, in Truſt for His Majeſty, His Heirs and Succeſſors, all ſuch Eſtate, Right, Title, and Demand, of, into, or out of, the ſaid reſpective Premiſes, as fully and amply to all Intents and Purpoſes, as if this Act had not been made.

---

*Anno* 31 Geo. II. Cap. XXXIX.

*An Act for veſting certain Meſſuages, Lands, Tenements, and Hereditaments, for the better ſecuring His Majeſty's Docks, Ships, and Stores, at* Portſmouth, Chatham, *and* Plymouth, *and for the better fortifying the Town of* Portſmouth, *and Citadel of* Plymouth, *in Truſtees, for certain Uſes, and for other Purpoſes therein mentioned.*

Preamble. See 32 *Geo.* II. *c.* 30. for making Compenſation to the Proprietors.

WHEREAS by the unjuſt and hoſtile Invaſion lately made on His Majeſty's Dominions in *America*, and the *Mediterranean*, and by great Preparations made in *France*, for invading theſe Realms, it became abſolutely neceſſary, for the Security of His Majeſty's Docks, Ships of War, and Stores, to erect and raiſe Fortifications and Intrenchments near the Docks of *Portſmouth*, *Chatham*, and *Plymouth*: And whereas certain Lands herein-after particularly mentioned, lying near the ſaid Docks of *Portſmouth*, *Chatham*, and *Plymouth*, have been made uſe of in making Intrenchments, and raiſing Lines and Fortifications, for the Defence and Security of the ſaid Docks: And whereas ſome Part of the ſaid Lands, made uſe of for that Purpoſe, lies open, and in common to many Owners and Proprietors of Lands near adjoining, for which they claim a Right of Common on the ſaid Lands, and other Parts of the ſaid Lands ſo made uſe of are ſo limited by Settlement, that the Owners thereof cannot make a clear Title and

Conveyance without the Authority of Parliament; and other Parts of the ſaid Lands may be the Property of Eccleſiaſtical Perſons, or Perſons not capable of making a legal Conveyance thereof; and all the ſaid Lands may be ſubject and liable to Quit Rents, Tithes, and other ſmall Outgoings, from which the Owners thereof may not, without the Authority of Parliament, be able to diſcharge the ſaid Lands: And whereas many of the Owners and Proprietors of the ſaid Lands ſo made uſe of, (to make an unreaſonable Gain to themſelves), may inſiſt on large and extravagant Demands for the Damage and Injury they may pretend to have ſuſtained by Means or Reaſon of erecting the ſaid Fortifications: And whereas many Perſons may pretend or claim to have Title to the ſame Lands, ſo that it may be doubtful to whom a Compenſation ought to be made, which cannot be determined without the Aid of Parliament: To the End therefore that the true and real Value of the ſaid Lands may be aſcertained, and the actual and real Owners and Proprietors may have a juſt and reaſonable Satisfaction for the ſaid Lands, or for any Claim or Right thereto; be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in Parliament aſſembled, and by the Authority of the ſame, That all thoſe ſeveral Pieces or Parcels of Land on which the Line, ranging North from the Gun Wharf Wall at *Plymouth* Dock, in the Pariſh of *Stoke Damerell*, in the County of *Devon*, to the Wharf of *Joſeph Hooper* Shipwright on the South, and all thoſe ſeveral Fields and Pieces or Parcels of Land, lying on the North and Eaſt Sides of the ſaid Line, and all thoſe ſeveral Fields and Pieces or Parcels of Land lying within the Line, as the ſaid Land is bounded and marked out for compleating the Fortifications, or intended for the Security of His Majeſty's Dock Yards, Ships, and Stores, at *Plymouth* aforeſaid, all which ſaid ſeveral Pieces and Parcels of Land are ſituate, lying and being in the ſaid Pariſh of *Stoke Damerell*, and contain together One hundred and ninety-five Acres, One Rood, and Nine Rod, by Statute Meaſure, together with all Houſes, Outhouſes, Mills, Edifices, and Buildings thereon, or on any Part thereof,

Specification of Land to be taken into the intended Works and Fortifications at *Plymouth*, *Portſmouth*, and *Chatham*, and to veſt in certain Truſtees, till the Purchaſe-money for the ſame be aſcertained and paid.

thereof, erected and built, and all Ways, Waters, Watercourſes, Paths, Paſſages, Eaſements, and Appurtenances, thereunto belonging; and alſo all that Meſſuage or Tenement, with the Outhouſes, Yards, Gardens, and Appurtenances, ſituate, lying and being in or near the Town of *Plymouth*, in the ſaid County of *Devon*, and adjoining or very near to the North Side of the Citadel of *Plymouth* aforeſaid; and alſo all that Piece or Parcel of Marſh Ground, containing in Statute Meaſure Sixteen Acres, Three Rood, and Twenty-five Rod, near *Portſea Lake*, being Part of a Marſh called the *Great Marſh*, belonging to *William Pike* of *Portſmouth*, in the County of *Southampton*, Eſquire; and alſo all that Piece or Parcel of Meadow or Paſture Ground, containing, in Statute Meaſure, Two Acres, Two Rood, Twenty-eight Perch, adjoining to the ſaid Piece of Marſh Ground laſt mentioned, being Part of a Meadow or Piece of Paſture Ground belonging to the ſaid *William Pike*; and alſo all that Cottage and Garden ſituate near the ſaid Meadow or Paſture Ground laſt mentioned; and alſo all that Piece or Parcel of Waſte Ground, containing, in Statute Meaſure, Ninety-five Acres, One Rood, and Eight Rod, being Part of a large Piece of marſhy waſte Ground, commonly called *Hilſey Green*, otherwiſe *Hilſey Common*, all which ſaid Cottage, Garden, Meadow, Marſh, and Waſte Ground, are ſituate and being in the Pariſh of *Wimering*, in the ſaid County of *Southampton*; and alſo all that the Common Field of *Hilſey*, commonly called or known by the Name of *Breach*, ſituate and being in the ſaid Pariſh of *Wimering*, containing together, in Statute Meaſure, Sixteen Acres, Two Roods, and Twenty-three Rods and an Half; and all that Piece or Parcel of Garden Ground now taken into the ſaid Field, on the Eaſt Side thereof, from a Tenement called *Griffin's Tenement*; and all that Piece or Parcel of Paſture Land adjoining to and at the North End of the ſaid Field, containing, in Statute Meaſure, One Acre, and Nineteen Rods; and all that Barn and Yard adjoining to the Weſt Side of the Field now or late in the Occupation of *William Watmore*, all which ſaid Premiſes laſt mentioned are ſituate in the ſaid Pariſh of *Wimering*; and alſo all that Piece or Parcel of Land, containing, in Statute Meaſure, Two

Acres, Three Rood, and Thirty-one Rod, Part of a Close of Land called *Moor Close* otherwise *Morrice Close*; and all that Piece or Parcel of Pasture Land, containing, in Statute Measure, Two Acres, Three Rood, and One Rod, Part of a Close of Land called *Hambrooke*; and all that Piece or Parcel of Pasture Land, containing, in Statute Measure, One Acre, Three Rood, and Twenty-two Rod, Part of a Close of Land called *Havens Croft*, all which said Three Pieces or Parcels of Land are situate in the Parish of *Portsea*, in the said County of *Southampton*, near the Fortifications of the Town of *Portsmouth* aforesaid; and also those Three Pieces or Parcels of Furze Land, containing together, by Statute Measure, Twenty-five Acres, Three Rood, and Sixteen Perches; and also Two Pieces or Parcels of Arable Land, containing together, by Statute Measure, Fourteen Acres, Two Rood, and Two Perch; all which Five several Pieces or Parcels of Furze and Arable Land are situate on the North Side of *Forton Lake*, near *Gosport*, in the Parish of *Alverstoke*, in the said County of *Southampton*; and also all that Piece or Parcel of Land situate near *Brompton*, containing Two Acres, Two Rood, and Twenty Rod, be the same more or less, and all that Piece or Parcel of Land adjoining to the said last-mentioned Piece of Land, containing Six Acres, Three Rood, and Thirteen Rod, be the same more or less, which said Two Pieces of Land were formerly Part of Two Fields, called *Brick Kiln Fields*, and *Great Binsteads*; and also all that Piece or Parcel of Land lying at the South-east Corner of His Majesty's Lines at *Chatham*, containing Four Acres and One Rood, be the same more or less, now in the Tenure or Occupation of *Thomas Field* Innholder, his Undertenants or Assigns; all which said Three Pieces or Parcels of Land are situate and being in or near *Chatham* aforesaid, in the County of *Kent*, shall be, and are hereby vested and settled, and declared and taken to be, in the actual and real Possession and Seisin of the Right Honourable *Arthur Onslow* Esquire, the Right Honourable *Charles Powlet* Esquire, commonly called *Marquis of Winchester*, *Alexander Thistlewayte* Esquire, Sir *William Courtenay* Baronet, Sir *Richard Warwick Bampfylde* Baronet, the Honourable *Lewis Watson*

Paddy's Hard

Eſquire, the Honourable *Robert Fairfax* Eſquire, Sir *John Moleſworth* Baronet, *James Buller* Eſquire, their Heirs and Aſſigns, for ever; in Truſt, nevertheleſs, for ſuch Perſon or Perſons, Bodies Politick or Corporate, Eccleſiaſtical or Civil, as at or immediately before the Time of making this Act were the ſeveral and reſpective Owners and Proprietors thereof, according to their ſeveral Eſtates and Intereſts therein, at the ſame Time in Poſſeſſion, Reverſion, Remainder, or otherwiſe, until ſuch Eſtates and Intereſts ſhall be reſpectively adjudged and determined, and the ſeveral Sum or Sums of Money, and Intereſt for the ſame, after the Rate of Four Pounds *per Cent.* for One Year, for the Groſs Sum that ſhall be aſſeſſed, for the true and real Value thereof, in Manner and Form as is herein-after mentioned and expreſſed, ſhall be paid.

*4l. per Cent.* Intereſt allowed for One Year on the Groſs Sum aſſeſſed for the Value of the Premiſes.

And be it further enacted by the Authority aforeſaid, That reaſonable and juſt Compenſation and Satisfaction ſhall be made out of the next Aids to be granted in Parliament, for and in reſpect of the ſaid Lands herein-before mentioned, to all and every Perſon and Perſons, Bodies Politick and Corporate, Eccleſiaſtical and Civil.

Purchaſe-money to be paid out of the next Aids granted in Parliament.

And be it further enacted, That, for the better aſcertaining the ſeveral Owners and Proprietors of the ſaid Lands, and their reſpective Titles and Claims thereto, it ſhall and may be lawful to and for His Majeſty, by One or more Commiſſion or Commiſſions, by Letters Patent, under the Great Seal of *Great Britain*, to authoriſe and appoint any Number of Perſons to be Commiſſioners, to hear and determine all Titles and Claims that ſhall or may be made to the ſaid Lands, Tenements, and Hereditaments, or to any Part or Parcel thereof; which Commiſſioners ſo to be appointed, or any Five or more of them, are hereby authoriſed and required, and ſhall and may, in a ſummary Manner, proceed, act, and determine, by and upon the Teſtimony of Witneſſes upon Oath, (which Oath they, or any Five or more of them, are hereby impowered to adminiſter), Inſpection and Examination of Deeds, Writings, and Records, or by Inqueſt of Twelve good and lawful Men, to be impanelled and ſworn in Manner herein-after mentioned and directed,

His Majeſty to appoint Commiſſioners of Claims,

who are to proceed in a ſummary Way in their Determinations by Examination of Witneſſes, and Inſpection of Evidences, or by a Jury of Inqueſt,

directed, or by all or any of the ſaid Ways, or otherwiſe, according to their Direction, all and all Manner of Rights, Eſtates, and Intereſts, and all Controverſies, Debates, and Queſtions, which ſhall happen and ariſe between any Perſon or Perſons whatſoever, or any other Matter or Thing relating to any of the Premiſes, or any Part thereof, and ſhall have Power to ſend for any Perſon or Perſons, and oblige them to produce their Deeds or Writings, upon Oath, relating to any of the ſame Premiſes; and alſo ſhall and may, by Agreement with the reſpective Perſon or Perſons that ſhall be determined to be the Owners and Proprietors of the ſaid Lands, or by the ſaid Inqueſt of the ſaid Twelve good and lawful Men, to be impanelled and ſworn, inquire, proceed, act, and determine, touching and concerning the true and real Value the ſaid Premiſes, or any Part or Parcel thereof, were or was of at the Time the ſame were firſt made uſe of for the Purpoſes aforeſaid: And the ſaid Commiſſioners, or any Five or more of them, are hereby required to cauſe all their Judgements and Decrees to be entered fairly in Books, which Judgements and Decrees ſhall expreſsly mention and ſpecify the reſpective Houſe or Houſes, Number of Acres or Parcels of Land, with their ſeveral Abuttals and Boundaries, together with the Name or Names of every Perſon or Perſons intereſted reſpectively in the ſame, and the reſpective Sum or Sums that ſhall be ſo agreed for or aſſeſſed by the ſaid Jury to be paid for the ſame reſpectively; which Judgements and Decrees ſhall likewiſe be fairly ingroſſed on Parchment, and certified to the Clerk of the Crown in Chancery, and to the King's Remembrancer in His Majeſty's Court of Exchequer, and ſuch Judgements and Decrees, made as aforeſaid, ſhall be final, and ſhall conclude all and every Perſon and Perſons, Bodies Politick and Corporate, Eccleſiaſtical and Civil, their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns reſpectively, notwithſtanding any Diſability or Incapacity whatſoever, any Law, Statute, or Cuſtom, or other Matter or Thing whatſoever, to the Contrary notwithſtanding; Copies of which ſaid Judgements and Decrees ſhall be laid forthwith before both Houſes of Parliament, that a juſt and reaſonable Compenſation and Satisfaction may be made to the

with Power to ſend for Perſons and Papers,

and to agree for or determine the Value of the Premiſes by any of thoſe Ways and Means:

Their Judgements and Decrees to be entered in proper Books, ſpecifying the Particulars of the Lands, the Proprietors, and Purchaſe-money, and a Duplicate thereof, ingroſſed on Parchment, to be certified to the Clerk of the Crown in Chancery, and to the Remembrancer of the Exchequer, the ſame to be final and concluſive;

and Copies thereof to be laid before Parliament, in order to the granting a Compenſation to the Proprietors.

the ſeveral Owners and Proprietors of the ſaid Lands, Tenements, and Hereditaments.

Commiſſioners may iſſue Warrants to the reſpective Sheriffs, for impanelling and ſummoning Juries.

And be it further enacted by the Authority aforeſaid, That, for the better carrying the ſaid Commiſſion or Commiſſions into Execution, the ſaid Commiſſioners to be appointed in and by the ſaid Commiſſion or Commiſſions, or any Five or more of them, ſhall, and lawfully may, and are hereby authoriſed and required to iſſue forth their Warrant or Warrants, under their Hands and Seals, to be directed to the reſpective Sheriffs of the reſpective Counties wherein ſuch Meſſuages, Lands, Tenements, or Hereditaments, ſhall lie, thereby commanding them reſpectively to impanel, ſummon, and return, before the ſaid Commiſſioners, at ſuch Times and Places as ſhall be appointed in ſuch Warrant or Warrants, a good and ſufficient Jury of ſubſtantial Gentlemen and Freeholders, who, upon their Oaths, (which the ſaid Commiſſioners, or any Five or more of them, ſhall have Power to adminiſter), ſhall enquire into the true and real Value of the ſaid Meſſuages, Lands, Tenements, and Hereditaments, and every Part or Parcel thereof, and who reſpectively are the Owners and Proprietors thereof, and their reſpective Eſtates and Intereſts therein; and the Sheriffs of the ſaid Counties reſpectively, upon Receipt of ſuch Warrant or Warrants from the ſaid Commiſſioners as aforeſaid, are hereby required to impanel, ſummon, and return, Twenty-four good and lawful Men, ſubſtantial Gentlemen and Freeholders of the reſpective Counties, and, at the Return of ſuch Warrant or Warrants, to attend the ſaid Commiſſioners, with his Bailiffs or Officers, to prove, if neceſſary, the Summons of the Jurors ſo to be impanelled and returned reſpectively, upon Oath, which Oath the ſaid Commiſſioners, or any Five or more of them, ſhall have Power to adminiſter to the ſaid Sheriff and his Bailiffs and Officers, or any or either of them: And in caſe the ſaid Sheriff or Sheriffs of the ſaid Counties, or any or either of them, ſhall neglect or refuſe, being duly ſerved with ſuch Warrant or Warrants of the ſaid Commiſſioners, Fourteen Days before the Return thereof, to impanel, ſummon, and return, ſuch Jury, of good and lawful Men, as aforeſaid, or ſhall not attend the ſaid Commiſſion-

Sheriffs to obey the ſaid Warrants, and ſummon and return a Jury accordingly,

and to attend on the Return with his Officers, to prove the Service of ſuch Summons, if neceſſary.

Sheriff neglecting his Duty in any of the Premiſes,

ers with his Bailiffs and Officers, who ſhall ſummon the ſaid Jurors, at the Return of ſuch Warrant or Warrants, as aforeſaid; then, and in either of the ſaid Caſes, upon Complaint made upon Oath, in His Majeſty's High Court of Chancery, it ſhall and may be lawful to and for the ſaid Lord High Chancellor, Lord Keeper of the Great Seal of *Great Britain*, or Lords Commiſſioners for executing the Office of Keeper of the Great Seal of *Great Britain*, or for the Maſter of the Rolls for the Time being, to proceed in a ſummary Way, by Motion made in the ſaid Court againſt the ſaid Sheriff, as for a Contempt of that Court, until the ſaid Sheriff or Sheriffs ſhall have made Satisfaction to His Majeſty, and all other Perſon and Perſons that ſhall receive any Injury by ſuch Neglect or Refuſal of the ſaid Sheriff or Sheriffs reſpectively to comply with ſuch Warrant or Warrants as aforeſaid: And in caſe the ſaid Jurors ſo to be impanelled, ſummoned, and returned, or any or either of them, ſhall neglect or refuſe to appear at the Return of ſuch Warrant or Warrants, and to be ſworn for the Purpoſes aforeſaid; then, and in ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners then aſſembled and met to ſet a Fine upon each and every of the Jurors ſo impanelled, ſummoned, and returned, and, without lawful Excuſe, (to be allowed of by the ſaid Commiſſioners then ſitting, or the major Part of them), making Default, or refuſing to be ſworn, not exceeding the Sum of Twenty Pounds of lawful Money of *Great Britain*; which Fine and Fines ſo to be ſet, the ſaid Commiſſioners are hereby authoriſed and required to eſtreate into His Majeſty's Court of Exchequer, to be levied to the Uſe of His Majeſty.

to be proceeded againſt in a ſummary Way, upon Complaint to the Court of Chancery, &c. till he ſhall have made Satisfaction,

and complied with ſuch Warrant.

Juror neglecting his Duty, without lawful Excuſe, may be fined in a Sum not exceeding 20*l.*

Fines to be eſtreated into the Exchequer.

And be it enacted by the Authority aforeſaid, That in caſe a ſufficient Jury ſhall not appear upon the Return of the ſaid Warrant or Warrants to take the Inqueſt, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to adjourn the ſaid Inqueſt to any future Day, not exceeding Fourteen Days, nor leſs than Four Days, from the Adjournment thereof; and to iſſue out their Warrant or Warrants, for impanelling, ſummoning, and returning, an equal Number of Jurors, with the ſaid Jurors ſo making Default, who, together with the Jurors before

Inqueſt to be adjourned for want of a ſufficient Jury,

and Warrants to be iſſued for returning a proper Number of Jurors.

before returned by the Sheriffs of the reſpective Counties, upon ſuch Second Warrant or Warrants afterwards to be iſſued, or upon any future Warrant or Warrants, Adjournment or Adjournments, which the ſaid Commiſſioners are hereby authoriſed to iſſue and make from Time to Time, until a ſufficient Jury can be had, ſhall inquire as aforeſaid.

Twelve to be a Jury; and upon the Jurors being ſworn, Commiſſioners to continue ſitting till the Inqueſt be taken, and Judgement be given thereon.

Provided always, That Twelve good and lawful Men ſhall be ſufficient to take the Inqueſt aforeſaid; and that in caſe Twelve or more (not exceeding Twenty-three in the whole) ſhall appear and be ſworn to take ſuch Inqueſt; then, and in ſuch Caſe, the ſaid Commiſſioners ſhall continue and ſit from Day to Day until the ſaid Inqueſt ſhall be taken, and the Judgements and Decrees thereon made.

Thirty Days previous Notice to be given of Commiſſioners Meeting for the Purpoſes aforeſaid;

And, to the Intent that no Perſon or Perſons may have any Excuſe or Pretence for not appearing to make out their Claim or Title to the ſaid Meſſuages, Lands, Tenements, or Hereditaments, or any Part or Parcel thereof, be it further enacted by the Authority aforeſaid, That Five or more of the ſaid Commiſſioners ſhall give Notice in Writing, Thirty Days at leaſt before their Meeting at each Place, which Writing ſhall be affixed at the Gates of the reſpective Docks of *Portſmouth*, *Chatham*, and *Plymouth*, and on the Door of the reſpective Town Halls of *Portſmouth*, *Rocheſter*, and *Plymouth*, and ſhall likewiſe cauſe to be publiſhed in the *London Gazette*; and if any Perſon or Perſons ſhall neglect or refuſe to appear, or when he or they ſhall appear, ſhall wilfully refuſe to ſhew his or their Deeds or Writings relating to the Premiſes, that then the ſaid Commiſſioners, or any Five or more of them, and the Jurors to be impanelled and ſworn upon ſuch Inqueſt, ſhall proceed upon the beſt Information they can get, or have, to make ſuch Inqueſts, Judgements, and Decrees, as before directed; and all ſuch Judgements and Decrees being entered and certified as aforeſaid, ſhall be final and concluſive.

and where Perſons refuſe to appear, or produce the Evidences of their Claims,

Inqueſt, &c. to be made upon the beſt Information that can be had.

Upon Payment of the Sums awarded to the Proprietors,

And be it further enacted by the Authority aforeſaid, That from and after the Time that Payment ſhall be made of the Sum and Sums of Money ſo to be agreed for or aſſeſſed by the ſaid Jury, and decreed and adjudged by the ſaid Commiſſioners, or any Five or more of them, to the ſaid Owners and Proprietors of the ſaid Lands, Tenements, and Hereditaments,

ditaments, herein-before mentioned, or to any or either of them, the ſaid Truſtees herein-before mentioned ſhall be deemed and adjudged to ſtand ſeiſed of ſuch Part or Parcel of the ſaid Premiſes as ſhall be ſo paid for, to and for the Uſe of His Majeſty, His Heirs and Succeſſors, for ever, freed and diſcharged of and from all and all Manner of Right, Title, Claim, and Demand whatſoever, that can or may be made by any Perſon or Perſons, Bodies Politick or Corporate, Eccleſiaſtical or Civil.

the Truſtees are to ſtand ſeiſed of the Premiſes diveſted of all Right and Claim.

And be it further enacted by the Authority aforeſaid, That no private Building or Buildings ſhall be made or erected upon any of the Lands veſted in His Majeſty as aforeſaid, and that the whole Profits ariſing, or that ſhall hereafter ariſe from the ſaid Lands, be, and are hereby appropriated and applied for and towards the Erection and Reparation of the reſpective Fortifications of each Place, and to no other Uſe or Purpoſe whatſoever; and all and ſingular the Premiſes, ſhall be, and are hereby enacted and declared to be, unalienable from the Crown, neither ſhall any Part of the Premiſes be demiſed or demiſeable otherwiſe than during Pleaſure only.

No private Buildings to be erected on the ſaid Lands,

and the Profits ariſing therefrom to be applied in Reparation of the Fortifications.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, upon the Complaint of any Owner or Owners of any Meſſuages, Lands, or Hereditaments, adjoining to any Part of the Lands by this Act veſted in the ſaid Truſtees, that he, ſhe, or they, have received any Damage by making and raiſing the ſaid Intrenchments, Lines, or Fortifications, to inquire, hear, and make an Eſtimate of the Damage that ſhall be ſuſtained by any ſuch Owner or Owners of the neighbouring Lands ſo complaining, by means or reaſon of making and erecting the ſaid new Works; and ſhall return ſuch Eſtimate, with and in the Manner they return their Decrees and Judgements touching the Lands actually made uſe of in the ſaid Works; and may alſo conſider and report their Opinions and Sentiments what Roads may be properly laid out for the Conveniency of the Owners of the adjacent Lands, without Prejudice to the ſaid Fortifications.

Commiſſioners, upon Complaint made to them, are to inquire into, and make an Eſtimate of all the Damage done to private Grounds, by making the new Works;

and to report their Opinions as to what Roads may properly be laid out for the Conveniency of the adjacent Lands.

Provided alſo, and be it further enacted, That it ſhall and may be lawful to and for the Lord and Lords of the Manor

Lord of the Manor of *Stoke Damerell* allowed to dig Lime Stones,

and other Stones, proper for building or paving the Streets of the Town, within a certain Diſtance of the Works,

Manor of *Stoke Damerell* for the Time being, and their Tenants, Servants, and Agents, from Time to Time, and at all Times hereafter, within ſuch Diſtance from the High-water Mark as ſhall be allotted by the ſaid Commiſſioners, or any Five or more of them, ſo as no Prejudice be done thereby to His Majeſty's Soil, Lines, or Fortifications, to dig and get out of the Cliffs and Sea Banks, lying between *Mutton Cove* and the ſaid *Joſeph Hooper*'s Yard aforeſaid, and between the ſaid Yard and the Houſe called *the Paſſage Houſe*, near the Ferry at *Stonehouſe* aforeſaid, Lime Stones, and other Stones, to be employed in and for the building and repairing Houſes, and paving Streets, in the Manor and Pariſh of *Stoke Damerell* aforeſaid, and to make and build Kilns in or under the ſaid Cliffs, for the burning and manufacturing the ſaid Lime, ſo as no Stones be dug, nor any Kiln be made or erected, within the Diſtance of One hundred and fifty Yards on either Side of the ſaid Yard;

and alſo to build Lime Kilns,

and alſo to have, uſe, and enjoy, the Footway and Paſſage, now uſed from *Stonehouſe Ferry* aforeſaid to *Dock Town* aforeſaid, and the Way or Paſſage now uſed, or ſome other convenient Way or Paſſage, to be laid out and appointed by the principal Officers of His Majeſty's Ordnance, or whom they ſhall appoint, leading from *Mutton Cove* aforeſaid to *Dock Town* aforeſaid; and alſo ſome convenient Way or Paſſage, to be laid out and appointed as aforeſaid, from the Lime Kiln now erected between *Hooper*'s Yard aforeſaid and *the Paſſage Houſe* aforeſaid to the *Dock Town* aforeſaid, for conveying and carrying ſuch Stones and Lime, and all Materials proper for getting, burning, and manufacturing the ſame, with Horſes, Cattle, Carts, and Carriages, at all convenient Garriſon Hours and Times, from the ſaid Cliffs and Sea Banks to the *Dock Town* aforeſaid, ſo as the laying out, making, uſing, or occupying the Fortifications, or other Works, intended to be made and erected on the ſaid Premiſes, for the Uſe of His Majeſty, His Heirs and Succeſſors, purſuant to this Act, ſhall not thereby be in any-wiſe prejudiced, obſtructed, or hindered.

and to enjoy a Footway and Paſſage from *Stonehouſe* Ferry to *Dock Town*, &c.

and alſo to enjoy a proper Landing-place, on ſaid *Mutton Cove*, and Ground to erect Keys and Wharfs thereon, and a Carriage-way to the ſame.

Provided alſo, and be it further enacted, That it ſhall and may be lawful to and for the ſaid Lord or Lords of the ſaid Manor of *Stoke Damerell* for the Time being to have, uſe,

uſe, and enjoy a proper and convenient landing Place, in and on a certain Place called *Mutton Cove*, with ſufficient Ground not exceeding One Acre in the whole, to build and erect proper Quays, and Wharfs for landing, laying, beſtowing, and keeping, all ſuch Goods, Wares, and Merchandiſes, as ſhall be brought thereto, and to load and unload the ſame in, upon, or from ſuch Wharfs, Quays, and Landing-places, to, from, or on Board of any Ship, Boat, or other Veſſel, ſo as there ſhall be no other Building, Storehouſes, or Sheds, erected on the ſaid Acre of Land than what are now erected there; and alſo the Way, Road, and Paſſage, or ſome other convenient Way, Road, or Paſſage, to be laid out and appointed as aforeſaid, from *Mutton Cove* aforeſaid to *Dock Town* aforeſaid, for all Sorts of Horſes, Cattle, and Carriages, to and from ſuch Wharfs and Keys, to the *Dock Town* in the ſaid Pariſh of *Stoke Damerell* aforeſaid.

With the ſeveral Landing-places, &c. now uſed over the Creek and River.

Provided alſo, and be it further enacted, That it ſhall and may be lawful to and for the Lord or Lords of the Manor of *Stoke Damerell* for the Time being to have, uſe, and enjoy the ſeveral Landing-places now uſed for Boats paſſing over the Creek or River, to and from *Dock Town* aforeſaid, and to and from *Mutton Cove* aforeſaid, and the Houſe, at *Stonehouſe* Paſſage, called *the Paſſage Houſe*, with the Appurtenances, together with the ſaid Roads, Ways, and Paſſages, herein-before mentioned to and from the ſaid Places reſpectively.

No Ferry Boat to be made uſe of for Paſſage over the Creek, except in the King's Service, without Licence of the Lord of the Manor.

Provided alſo, and it is further enacted and declared, That no Ferry or Ferry Boat ſhall be made, ſet up, or uſed, for the Paſſage over the ſaid Creek, to and from *Dock Town* aforeſaid, or to and from *Mutton Cove*, on any of the Lands hereby veſted in the ſaid Truſtees, other than for carrying and tranſporting Soldiers, Sailors, and Marines, and Ordnance, naval and victualling Stores, or for any other Uſe or Service of His Majeſty, His Heirs and Succeſſors, without the Licence and Conſent of the Lord or Lords of the Manor of *Stoke Damerell* aforeſaid for the Time being.

Commiſſioners exempted from the Penalties of the Act of 25 *Car.* II. *c.* 2.

Provided always, That no Commiſſioner who ſhall be employed in the Execution of this Act ſhall be liable for or

by Reaſon of ſuch Execution, to any of the Penalties mentioned in an Act made in the Twenty-fifth Year of the Reign of King *Charles* the Second, intituled, "An Act for preventing Dangers which may happen from *Popiſh* Recuſants;" or in one other Act, made in the Firſt Year of the Reign of King *William*, and Queen *Mary*, intituled, "An Act for abrogating the Oaths of Supremacy and Allegiance, and appointing other Oaths;" or in one other Act, made in the Parliament holden in the Thirteenth and Fourteenth Years of the Reign of the late King *William* the Third, intituled, "An Act for the better Security of His Majeſty's Perſon, and the Succeſſion of the Crown in the Proteſtant Line, and for extinguiſhing the Hopes of the pretended Prince of *Wales*, and all other Pretenders, and their open and ſecret Abettors;" or in one other Act, made in the Parliament begun and holden in the Firſt Year of the late King *George*, intitled, "An Act for the farther Security of His Majeſty's Perſon and Government, and the Succeſſion of the Crown in the Heirs of the late Princeſs *Sophia*, being Proteſtants, and for extinguiſhing the Hopes of the pretended Prince of *Wales*, and his open and ſecret Abettors."

3 *W.* and *M.* c. 8.

13 and 14 *W.* III. c. 6.

and 1 *Geo* I. c. 13.

Nor is their Seat in Parliament vacated thereby.

Provided alſo, and be it enacted, That ſuch Commiſſioners as His Majeſty ſhall nominate for the Purpoſes in this Act, or any of them, ſhall not, by Reaſon thereof, in any Sort be diſabled or diſqualified from ſitting in the Houſe of Commons, or their Election thereby become void, any Law or Statute to the Contrary thereof in any-wiſe notwithſtanding.

## *Anno* 31° Geo. II. Cap. XXXVIII.

*An Act for applying a Sum of Money granted in this Seſſion of Parliament, towards carrying on the Works for fortifying and ſecuring the Harbour of* Milford, *in the County of* Pembroke.

Preamble enforced and amended by 32 *Geo.* II. *c.* 26.

WHEREAS the Harbour of *Milford*, in the County of *Pembroke*, is more conveniently ſituated for the fitting out of Fleets, and ſtationing of Cruizers, than any other Harbour in this Kingdom, and from the many great local Advantages attending it, would, if properly fortified and ſecured, greatly tend to facilitate the naval Operations of this Kingdom, hitherto too frequently retarded, and ſometimes entirely fruſtrated from the Want of ſuch a Port of Equipment; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice, and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That out of all or any the Aids or Supplies granted to His Majeſty, for the Service of the Year One thouſand ſeven hundred and fifty-eight, there ſhall and may be iſſued and applied any Sum or Sums of Money, not exceeding the Sum of Ten thouſand Pounds, towards carrying on the Works for fortifying and ſecuring the Harbour of *Milford*, in the County of *Pembroke*.

10,000. *l.* to be iſſued out of the Monies granted for Service of the current Year, towards carrying on the Works for fortifying the Harbour of *Milford*.

And whereas it will be neceſſary to purchaſe Lands, Tenements, and Hereditaments, in order for the conſtructing and carrying on the ſaid Works, be it therefore enacted by the Authority aforeſaid, That the principal Officers of His Majeſty's Ordnance, and the Juſtices of the Peace for the County of *Pembroke*, for the Time being, ſhall be, and they are hereby appointed Commiſſioners for ſurveying and ſetting out all ſuch Lands, Tenements, and Hereditaments, and for executing the other Purpoſes of this Act, in Manner

Commiſſioners appointed for carrying the Purpoſes of this Act into Execution.

Commiſſioners may ſurvey and ſet out the Lands proper to be purchaſed for carrying on the ſaid Works,

hereinafter mentioned, be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, or ſuch Perſons as they, or any Five or more of them, ſhall appoint, to enter upon, make Surveys of, and ſet out and deſcribe, by Lines, Stakes, or other Marks, ſuch Lands, Tenements, and Hereditaments, as they the ſaid Commiſſioners, or any Five or more of them, ſhall think proper to be purchaſed, in order for the conſtructing and carrying on the Works for fortifying and ſecuring the ſaid Harbour; and the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to hear and determine, in a ſummary Way, all Titles and Claims to, and Controverſies concerning ſuch Lands, Tenements, and Hereditaments, and to make ſuch Orders and Decrees relating thereto as they ſhall think proper.

and determine in a ſummary Way all Claims and Controverſies, &c. relating thereto,

Lands deſcribed within the Boundaries of ſuch Survey, are veſted in Truſtees, for the Benefit of the Parties intereſted.

And be it further enacted by the Authority aforeſaid, That from and immediately after the making of every ſuch Survey reſpectively, all the Lands, Tenements, and Hereditaments, lying within the Boundaries of ſuch Deſcriptions reſpectively as aforeſaid, ſhall be, and are hereby veſted and declared to be, in the actual and real Poſſeſſion and Seiſin of the Right Honourable *Arthur Onſlow*, Speaker of the Houſe of Commons, the Right Honourable *John Manners*, commonly called *Marquis of Granby*, the Right Honourable *Henry Biſſon Legge*, Chancellor of His Majeſty's Exchequer, the Honourable *George Townſhend*, the Right Honourable *Charles Townſhend*, the Honourable *Wilmot Vaughan*, and *Pryſe Campbell*, Eſq, their Heirs and Aſſigns, in Truſt; nevertheleſs, for ſuch Perſon and Perſons, Bodies Politick or Corporate, Eccleſiaſtical or Civil, as at the Time of making ſuch Survey reſpectively, are or ſhall be intereſted therein, according to their ſeveral Eſtates and Intereſts, in Poſſeſſion, Reverſion, Remainder, or otherwiſe, until the Purchaſe-monies for the ſame ſhall be paid, or Certificates for the Payment thereof ſhall be made forth and depoſited in ſuch Manner as is herein-after directed.

till the Purchaſe-monies are paid, or Certificates be made forth for the Payment.

And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, may

may, and they are hereby impowered to treat and agree with the Owners of, and Perſons intereſted in, ſuch Lands, Tenements, and Hereditaments, as aforeſaid, for the abſolute Purchaſe thereof; and all Conveyances of ſuch Lands, Tenements, and Hereditaments, by ſuch Owners and Perſons intereſted to the Truſtees herein-before appointed ſhall be valid and effectual to all Intents and Purpoſes whatſoever: And in caſe any Perſon or Perſons, Bodies Politick or Corporate, Eccleſiaſtical or Civil, ſhall refuſe or neglect to treat or agree as aforeſaid for the Space of Thirty Days, after Notice in Writing given to ſuch Perſon or Perſons, or to the principal Officer or Officers of ſuch Bodies Politick, Corporate, Eccleſiaſtical, or Civil, or left at his, her, or their reſpective Place or Places of Abode, or delivered to the Tenant or Tenants of the Premiſes; or if through any Diſability, by Nonage, Coverture, or ſpecial Limitations, in any Settlement or Settlements, or by reaſon of any other Impediment, ſuch Owners or Perſons cannot diſpoſe of their reſpective Properties or Intereſts; in every ſuch Caſe, the ſaid Commiſſioners, or any Five or more of them, may, and are hereby authoriſed and required to iſſue forth their Warrant or Warrants, under their Hands and Seals, to the Sheriff of the County of *Pembroke*, thereby commanding him to impanel, ſummon, and return, before the ſaid Commiſſioners, or any Five or more of them, at ſuch Time and Place, or Times and Places, as ſhall be appointed in ſuch Warrant or Warrants, Twenty-four Inhabitants of the ſaid County qualified to ſerve upon Juries, who upon their Oaths, (which Oaths the ſaid Commiſſioners, or any Two or more of them, are hereby impowered to adminiſter), ſhall inquire into, and, by their Verdict, aſcertain and aſſeſs, the true and real Value of ſuch Lands, Tenements, and Hereditaments, and of the reſpective Eſtates and Intereſts therein; and the ſaid Sheriff is hereby required to impanel, ſummon, and return, ſuch Number of Inhabitants as aforeſaid, and, at the Return of ſuch Warrant or Warrants, to attend the ſaid Commiſſioners, with his Bailiffs, or Officers, to prove, if neceſſary, upon Oath, (which Oaths

Commiſſioners impowered to treat for the abſolute Purchaſe of ſuch Lands:

Conveyances thereof deemed valid.

Where Perſons ſhall refuſe to treat or agree,

or ſhall be diſabled from treating, &c.

Warrant is to be iſſued to the Sheriff for ſummoning a Jury to aſſeſs the Damage and Recompence.

Sheriff to return, and ſummon a Jury accordingly, and attend with his Officers, to prove the Service of ſuch Summons,

Oath the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to adminiſter), the Summons of the Jurors ſo impanelled and returned reſpectively: And in Caſe the ſaid Sheriff ſhall neglect or refuſe (being duly ſerved with ſuch Warrant or Warrants Fourteen Days or more before the Return thereof) to impanel, ſummon, and return ſuch Jury, or ſhall not attend the ſaid Commiſſioners, with his Bailiffs and Officers, who ſhall have executed ſuch Warrant or Warrants; then, and in either of the ſaid caſes, the ſaid Commiſſioners, or any Five or more of them, are hereby authoriſed and required to impoſe a Fine upon ſuch Sheriff, not exceeding Twenty Pounds, nor leſs than Ten Pounds, for any One Offence: And if any Perſon ſo to be impanelled, ſummoned, and returned, ſhall not appear at the Return of ſuch Warrant or Warrants, or appearing, ſhall refuſe to be ſworn for the Purpoſes aforeſaid, or being ſworn, ſhall depart without the Licence of the ſaid Commiſſioners, or any Five or more of them, before the Verdict is given, or ſhall not give his Verdict, or in any other Manner neglect his Duty in the Premiſes; in every ſuch Caſe, the major Part of the Commiſſioners then aſſembled may, and are hereby impowered to ſet a Fine upon each Perſon ſo offending, and not having lawful Excuſe, to be allowed by ſuch Commiſſioners, not exceeding the Sum of Ten Pounds, upon any One Perſon for any One Offence; all which Fines, the ſaid Commiſſioners, or any Five or more of them, are hereby authoriſed and required to eſtreate into His Majeſty's Court of Exchequer, to be levied to the Uſe of His Majeſty.

on Penalty of forfeiting not exceeding 20 *l.* nor leſs than 10 *l.*

Juror neglecting his Duty without lawful Excuſe, liable to be fined not exceeding 10 *l.*

Fines to be eſtreated into the Exchequer.

And be it enacted by the Authority aforeſaid, That in caſe a ſufficient Jury ſhall not appear upon the Return of the ſaid Warrant or Warrants to take the Inqueſt, it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, from Time to Time, to adjourn the Inqueſt to any future Day, not exceeding Fourteen Days, nor leſs than Four Days, from the Adjournment thereof; and to iſſue out their Warrant or Warrants for impanelling, ſummoning, and returning, a Number of Jurors, equal to the

A ſufficient Jury not attending the Inqueſt to be adjourned.

Number of Jurors making Default, to attend ſuch Commiſſioners at ſuch adjourned Meeting, together with the Jurors before returned by the ſaid Sheriff, or at any future Meeting or Meetings to be held by Adjournment or Adjournments, which the ſaid Commiſſioners are hereby authoriſed to make from Time to Time.

Twelve to make a Jury; and upon their being ſworn, Commiſſioners ſit till the Inqueſt be taken, and Judgement given thereon.

Provided always, That Twelve good and lawful Men ſhall be ſufficient to take the Inqueſt aforeſaid; and that in caſe Twelve or more (not exceeding Twenty-three in the whole) ſhall appear, and be ſworn to take ſuch Inqueſt; then, and in ſuch Caſe, the ſaid Commiſſioners ſhall continue and ſit from Day to Day, until the ſaid Inqueſt ſhall be taken, and the Judgements and Decrees ſhall be made thereon, by the ſaid Commiſſioners, or any Five or more of them.

Commiſſioners may ſummon and examine Witneſſes upon Oath, and cauſe the Evidences and Writings of the Premiſes to be produced.

And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, may and are hereby impowered to ſummon, by Writing under their Hands, any Perſon or Perſons to attend any Meeting or Meetings of the ſaid Commiſſioners, which ſhall be appointed for hearing and determining any ſuch Titles, Claims, and Controverſies, or to attend any Jury, to be ſummoned by virtue of this Act, and to examine ſuch Perſon or Perſons upon Oath in relation to the Matters in Queſtion, and to oblige any ſuch Perſon or Perſons to produce upon Oath all Deeds and Writings in his, her, or their Cuſtody, relating to the Premiſes; all which Oaths the ſaid Commiſſioners, or any Two or more of them, are hereby impowered to adminiſter.

Thirty Days Notice to be given of the Meetings of the Commiſſioners for determining Claims, and of the Meetings of the Jurors.

And be it further enacted by the Authority aforeſaid, That Five or more of the ſaid Commiſſioners ſhall cauſe Notice to be given in Writing of the holding every Meeting for hearing and determining ſuch Titles, Claims, and Controverſies, as aforeſaid, Thirty Days at the leaſt before every ſuch Meeting is held; and alſo the like Notice of the Days appointed for the Meetings of ſuch Juries, as aforeſaid; which Notices ſhall be affixed upon the reſpective Town Halls of *Pembroke* and *Haverford Weſt*, and publiſhed in the *London Gazette*

Perſons ſummoned refuſing to appear, or to produce the Evidences of their Eſtates,

And if any Perſon or Perſons, ſo ſummoned to attend the ſaid Commiſſioners, or Jury, ſhall not appear, or appearing

ſhall

ſhall refuſe to ſhew his, her, or their Deeds or Writings, relating to the Premiſes, that then the ſaid Commiſſioners, and alſo the ſaid Jury, ſhall proceed and determine, upon the beſt Information they can then procure or obtain; and if any Perſon ſummoned to attend ſuch Commiſſioners or Jury, as a Witneſs, ſhall not appear, or appearing refuſe to be ſworn, or to give Evidence, the major Part of the Commiſſioners then aſſembled may impoſe a Fine upon every Perſon ſo offending, and not having lawful Excuſe, (to be allowed by ſuch Commiſſioners,) not exceeding Five Pounds, upon any One Perſon, for any One Offence; all which Fines ſhall be eſtreated and levied in ſuch Manner as the Fines herein-before mentioned are directed to be eſtreated and levied.

Liable to be fined not exceeding 5 *l.*

Decrees of Commiſſioners relating to claims,

And be it further enacted by the Authority aforeſaid, That the Orders and Decrees which ſhall be made by the ſaid Commiſſioners, or any Five or more of them, for aſcertaining and determining any Titles or Claims to, or Controverſies concerning, ſuch Lands, Tenements, or Hereditaments,

Agreements,

and alſo all Agreements which ſhall be made between the ſaid Commiſſioners, or any Five or more of them, and ſuch Owners, and Perſons intereſted as aforeſaid, and all Conveyances in Conſequence thereof, and alſo all the Verdicts of the ſaid Juries, and the Judgements and Decrees of the

Conveyances, Verdicts, and Judgements thereupon, to be final and concluſive.

Commiſſioners, or any Five or more of them, thereupon, ſhall be final, and ſhall be binding and concluſive to all and every Perſon and Perſons, Bodies Politick and Corporate, Eccleſiaſtical and Civil, their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns, and all other Perſons whatſoever, claiming or to claim, in Remainder, Reverſion, or in any other Manner howſoever, notwithſtanding any Diſability or Incapacity; any Law, Statute, or Cuſtom, or other Matter or Thing whatſoever, to the Contrary notwithſtanding.

Where Perſons intereſted ſhall expreſs their Deſire to have their Claims aſcertained by a Jury,

Provided always, and be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons intereſted, or claiming an Intereſt in any ſuch Lands, Tenements, or Hereditaments, ſhall, by Writing under his, her, or their Hand or Hands, to be delivered to the ſaid Commiſſioners, or any Five or more of them, either before ſuch Commiſſioners ſhall proceed

proceed to determine the Titles and Claims to, and Controverſies concerning, ſuch Lands, Tenements, or Hereditaments, or within the Space of Thirty Days after any ſuch Determination ſhall be made, expreſs his, her, or their Deſire, that ſuch Titles, Claims, and Controverſies, may be aſcertained by a Jury; then, in every ſuch Caſe, the ſaid Commiſſioners, or any Five or more of them, ſhall cauſe the ſame to be aſcertained and determined by a Jury, to be impanelled, ſummoned, and returned, in ſuch Manner, and under ſuch Fines, as is and are herein-before mentioned and authoriſed to be impoſed with reſpect to the aſſeſſing the Values of any ſuch Lands, Tenements, or Hereditaments; and the Verdict of every ſuch Jury in relation to ſuch Titles, Claims, and Controverſies, and the Judgements and Decrees of the Commiſſioners thereupon, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, in Manner before mentioned.

the Commiſſioners are to cauſe a Jury to be impanelled and returned for that Purpoſe.

Verdict of the Jury and Judgement of the Commiſſioners thereon to be final and concluſive.

And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, ſhall cauſe all their Orders, Judgements, and Decrees, and alſo all ſuch Agreements and Verdicts, to be entered in a Book or Books, and in ſuch Orders, Judgements, Decrees, and Agreements reſpectively, ſhall be expreſly mentioned and ſpecified the reſpective Houſe or Houſes, Number of Acres, or Parcels of Land, with their ſeveral Abuttals and Boundaries, and the Name or Names of every Perſon or Perſons, Bodies Politick or Corporate, Eccleſiaſtical or Civil, who ſhall be adjudged to be intereſted therein, and alſo the reſpective Sum or Sums of Money which ſhall be agreed for between the ſaid Commiſſioners and Parties intereſted, or which ſhall be aſſeſſed by ſuch Jury, to be paid for the ſame reſpectively; and all ſuch Orders, Judgements, Decrees, Agreements, and Verdicts, ſhall be alſo fairly engroſſed on Parchment, and certified under the Hands and Seals of Five or more of the ſaid Commiſſioners to the Clerk of the Crown in Chancery, and to the King's Remembrancer in His Majeſty's Court of Exchequer.

Entry to be made of all Orders, Judgements, Decrees, Agreements, and Verdicts, ſpecifying the Houſes, Number of Acres, or Parcels of Land, their Abuttals and Boundaries, and Parties intereſted, and the Sums to be paid for the ſame.

Duplicates thereof to be ingroſſed on Parchment, and certified to the Clerk of the Crown, and Remembrancer of the Exchequer.

And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them,

Certificates to be granted to the Parties intereſted.

them, ſhall be, and are hereby required, without Fee or Reward, to give their Certificate or Certificates, in Writing, under their Hands, to every Proprietor and other Perſon intereſted in the Premiſes, expreſſing the reſpective Houſe or Houſes, Number of Acres, or Parcels of Land, and their ſeveral Abuttals and Boundaries, with the Name or Names of the Perſon or Perſons, Bodies Politick or Corporate, Eccleſiaſtical or Civil, and the Sum or Sums he, ſhe, or they, is or are to receive for the ſame; and ſuch Certificates reſpectively ſhall authoriſe the Surveyor General of the Ordnance for the Time being to make out and allow a Bill or Bills to the Perſon or Perſons, Bodies Politick or Corporate, Eccleſiaſtical or Civil, mentioned in ſuch Certificates reſpectively, and in which Bill or Bills ſhall likewiſe be expreſſed the reſpective Houſe or Houſes, Number of Acres or Parcels of Land, and their ſeveral Abuttals and Boundaries, together with the Name or Names of the Perſon or Perſons, Bodies Politick or Corporate, Eccleſiaſtical or Civil, as aforeſaid, and the reſpective Sum or Sums to be paid; and thereupon One or more Debenture or Debentures ſhall be prepared for the ſeveral and reſpective Sums, as aforeſaid, by the Clerk of the Ordnance for the Time being, and ſigned by Three or more of the principal Officers of the Ordnance for the Time being; and ſuch Debentures are hereby required to be paid out of the Sum of Money hereby appropriated by the Treaſurer of the Ordnance for the Time being, who ſhall take Acquittances from the Parties indorſed thereon; and that immediately from and after the Delivery of ſuch Certificates to the Perſons intereſted as aforeſaid, the Truſtees before mentioned ſhall be deemed and adjudged to ſtand ſeiſed of the Premiſes, mentioned in ſuch Certificates reſpectively, to and for the Uſe of His Majeſty, His Heirs and Succeſſors, for ever: And if any Perſon or Perſons, Bodies Politick or Corporate, Eccleſiaſtical or Civil, ſhall wilfully refuſe to accept of or receive any ſuch Certificate; that then, and in ſuch Caſe, it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, to leave and depoſit ſuch Certificates with the Clerk of the Peace of the ſaid County of *Pembroke*, and ſhall make an Entry in their Books of the ſame, which ſhall be taken and

Surveyor General of the Ordnance to make out Bills thereupon,

with Debentures for the Sums certified,

to be paid by the Treaſurer.

Truſtees thereupon to ſtand ſeiſed of the Premiſes.

Certificates, on Refuſal to be accepted, may be depoſited with the Clerk of the Peace.

and deemed to be valid; and ſuch Lands, Tenements, and Hereditaments reſpectively ſhall from thenceforth be veſted to the Uſe of His Majeſty, His Heirs and Succeſſors, as if ſuch Certificate had been received by the Parties intitled thereto.

Where Parties intereſted ſhall be incapable of taking and diſpoſing of the Purchaſe-monies, the Commiſſioners are to decree into whoſe Hands the ſame ſhall be paid for their Uſe;

And be it further enacted by the Authority aforeſaid, That if any ſuch Lands, Tenements, or Hereditaments, or any Intereſt therein, ſhall belong to any Corporation, or Body Politick, Eccleſiaſtical or Civil, or to any other Perſon or Perſons whatſoever, who, by reaſon of any Diſability, are not able or capable by Law to take and diſpoſe of the ſeveral Sums which ſhall be due and payable for and in reſpect of their ſeveral Intereſts, in every ſuch Caſe, it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, to direct, order, and decree, into whoſe Hands ſuch Sums of Money ſhall be paid for the Uſe of ſuch Corporation, or Bodies Politick, Eccleſiaſtical or Civil, and the reſpective Perſons intereſted therein; which ſeveral Sums of Money ſhall with all convenient Speed, be laid out according to ſuch Directions as the ſaid Commiſſioners, or any Five or more of them ſhall, from Time to Time give, for the purchaſing other Lands, Tenements, or Hereditaments, in Places moſt convenient for the Parties intereſted, their Heirs and Succeſſors; and as ſoon as proper Purchaſes can be found, the Eſtates ſo purchaſed ſhall be conveyed and ſettled to the ſame Uſes, Intents, and Purpoſes, as the former Eſtates were ſettled at the Time they ſhall become veſted in the Truſtees appointed by this Act; and until ſuch Settlements can be made, it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, to place ſuch Monies out at Intereſt, on Parliamentary Funds or other good Securities, which Intereſt ſhall, from Time to Time, as the ſame ſhall grow due, be paid to the ſeveral and reſpective Parties intereſted in ſuch principal Sums.

and the Money to be laid out in other Purchaſes, to be ſettled to like Truſts and Uſes;

and till it ſhall be ſo employed, may be placed out at Intereſt.

Commiſſioner not to act where he is intereſted.

Provided always, and be it further enacted by the Authority aforeſaid, That no Commiſſioners ſhall act, for any of the Purpoſes aforeſaid, in any Caſe where he is particularly concerned in Intereſt.

Account of the Application of the Monies for carrying on the

And be it further enacted by the Authority aforeſaid, That an Account of the Application of the Monies hereby

Works to be laid every Year before Parliament.

appropriated towards carrying on the Works for fortifying and ſecuring the ſaid Harbour, ſhall be laid before both Houſes of Parliament, within Twenty Days after the opening of every Seſſion of Parliament.

Charges of this Act to be firſt paid.

And be it further enacted by the Authority aforeſaid, That all ſuch Coſts and Charges as ſhall be incurred in obtaining this Act, ſhall be, in the firſt Place, paid out of the Monies hereby granted.

Limitation of Actions.

And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, every ſuch Action and Suit ſhall be commenced within the Space of Twelve Calendar Months next after the Cauſe of ſuch Action or Suit ſhall have ariſen, and not afterwards; and the Defendant or Defendants, in all ſuch Actions and

General Iſſue.

Suits, may plead the General Iſſue, and give the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance of this Act: And if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall not be commenced within the Time before limited; then, and in either of ſuch Caſes, the Jury ſhall find for the Defendant or Defendants; and if a Verdict ſhall be found for the Defendant or Defendants, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or ſuffer a Diſcontinuance after the Defendant or Defendants ſhall have appeared, or if upon any Demurrer Judgement ſhall be given for the Defendant or Defendants, in each of the

Treble Coſts.

Caſes aforeſaid the Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame, as any Defendant or Defendants hath or have for recovering Coſts in other Caſes by Law.

*Anno*

## *Anno* 32° Geo. II. Cap. XXVI.

*An Act for applying a Sum of Money, granted in this Seſſion of Parliament, towards carrying on the Works for fortifying and ſecuring the Harbour of* Milford, *in the County of* Pembroke; *and to amend and render more effectual an Act of laſt Seſſion of Parliament, for applying a Sum of Money towards fortifying the ſaid Harbour.*

1757

WHEREAS by an Act paſſed in the Thirty-firſt Year of His preſent Majeſty's Reign, intituled, *An Act for applying a Sum of Money, granted in this Seſſion of Parliament, towards carrying on the Works for fortifying and ſecuring the Harbour of* Milford, *in the County of* Pembroke, it was enacted, That out of all or any of the Aids or Supplies granted to His Majeſty, for the Service of the Year One thouſand ſeven hundred and fifty-eight, there ſhould and might be iſſued and applied any Sum or Sums of Money, not exceeding the Sum of Ten thouſand Pounds, towards carrying on the Works for fortifying and ſecuring the Harbour of *Milford*, in the County of *Pembroke*: And whereas a further Sum of Money is neceſſary for that Purpoſe; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That out of all or any the Aids or Supplies granted to His Majeſty for the Service of the Year One thouſand ſeven hundred and fifty-nine, there ſhall and may be iſſued and applied any Sum or Sums of Money, not exceeding the Sum of Ten thouſand Pounds, towards carrying on the Works for fortifying and ſecuring the Harbour of *Milford*, in the County of *Pembroke*.

Preamble reciting Clauſe in Act 31ſt Geo. II. c. 38th

No 14 1758 June 1762

10,000 *l.* to be iſſued out of the Supplies granted for the Year 1759 towards fortifying the Harbour of *Milford*.

And whereas by the ſaid recited Act, the principal Officers of His Majeſty's Ordnance, and the Juſtices of the Peace for the County of *Pembroke* for the Time being, are appointed Commiſſioners for putting the ſaid Act in

in Execution: And whereas it may be inconvenient, at this Time, for the ſaid principal Officers of His Majeſty's Ordnance, to give their conſtant Attendance to ſuch Commiſſion; be it therefore further enacted by the Authority aforeſaid, That the principal Officers of His Majeſty's Ordnance, and the Juſtices of the Peace for the County of *Pembroke* for the Time being, together with *William Skinner* Eſq; Chief Engineer, and the Chief Engineer for the Time being, *David Watſon*, *John Henry Baſtide*, *Charles Hubert Herriot*, and *Thomas Walker*, Eſquires, ſhall be, and they are hereby appointed Commiſſioners for putting the ſaid recited Act, and this preſent Act, in Execution.

Commiſſioners for putting this Act in Execution.

And whereas, by the Direction of the ſaid principal Officers of His Majeſty's Ordnance, Surveys and Plans have been made of proper Places for erecting Fortifications in the ſaid Harbour of *Milford*: And whereas *Pater Church Point*, *Weſt Lanyon Point*, and *Neyland Point*, within the ſaid Harbour, have been reported by the Engineers employed for that Purpoſe to be the moſt proper and beſt ſituated Places for fortifying the interior Parts of the ſaid Harbour; be it therefore further enacted by the Authority aforeſaid, That Fortifications ſhall be erected on or near the ſaid ſeveral Points called *Pater Church Point*, *Weſt Lanyon Point*, and *Neyland Point*, under the Direction of the Maſter General and principal Officers of His Majeſty's Ordnance for the Time being, or any Perſon or Perſons that he or they, or any Three or more of them, ſhall appoint to carry on ſuch Work, as ſoon as the Lands neceſſary for Building thereof ſhall be ſet out, deſcribed, and purchaſed, in the Manner directed in the ſaid recited Act; and that, in the mean Time, all proper and neceſſary Materials ſhall be provided for carrying on the ſaid Fortifications.

Fortifications to be erected on the Places here mentioned, under the Direction of the Maſter General and other Officers of the Ordnance.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to appoint proper Secretaries, Clerks, Aſſiſtants, or other Officers, for the more effectual carrying the ſaid recited Act, and this preſent Act, into Execution; and that the neceſſary Expences and Charges attending the ſame ſhall be paid out of the Monies thereby and hereby granted,

Commiſſioners impowered to appoint and pay Secretaries and other proper Officers under them.

And

And be it further enacted, That an Account of the Application of the Monies hereby appropriated towards carrying on the Works for fortifying and ſecuring the ſaid Harbour, ſhall be laid before both Houſes of Parliament, within Twenty Days after the opening of every Seſſion of Parliament.

Account of the Application of the Monies to be laid before Parliament.

And be it further enacted, That all ſuch Coſts and Charges as ſhall be incurred in obtaining this Act, ſhall be, in the firſt Place, paid out of the Monies hereby granted.

Charges of obtaining this Act paid out of the Monies granted.

---

## Act 32° Geo. II. Cap. XXX.

*An Act for making Compenſation to the Proprietors of ſuch Lands and Hereditaments as have been purchaſed for the better ſecuring His Majeſty's Docks, Ships, and Stores, at* Chatham, Portſmouth, *and* Plymouth; *and for better fortifying the Town of* Portſmouth, and *Citadel of* Plymouth; *in purſuance of an Act of the laſt Seſſion of Parliament, and for other Purpoſes therein mentioned.*

WHEREAS in purſuance of an Act of Parliament, paſſed in the Thirty-firſt Year of His Majeſty's Reign, intituled, *An Act for veſting certain Meſſuages, Lands, Tenements, and Hereditaments, for the better ſecuring His Majeſty's Docks, Ships, and Stores, at* Portſmouth, Chatham, *and* Plymouth, *and for the better fortifying the Town of* Portſmouth, *and Citadel of* Plymouth, *in Truſtees, for certain Uſes, and for other Purpoſes therein mentioned,* His Majeſty was moſt graciouſly pleaſed to iſſue a Commiſſion, by His Letters Patent under the Great Seal of *Great Britain*, bearing Date at *Weſtminſter*, the 27th Day of *July*, in the Thirty-ſecond Year of His Reign, to impower and authoriſe certain Perſons therein named, or any Five or more of them, to be Commiſſioners for putting in Execution the ſaid Act; and did give to them, or any Five or more of them, full Power and Authority to do, perform, and execute, all Powers and Directions, Clauſes, Matters, and Things whatſoever,

Preamble, reciting Act 31 *Geo.* II. *c.* 39.

whatſoever, in the ſaid Act contained, thereby willing them, or any Five or more of them, from Time to Time, to proceed and act according to the Rules and Directions of the ſaid Act of Parliament: And whereas, by virtue of the ſaid Commiſſion, and in purſuance of the ſaid Act, Five or more of the ſaid Commiſſioners in the ſaid Commiſſion named, did, on the 11th Day of *September*, in the ſaid Thirty-ſecond Year of His Majeſty's Reign, meet, purſuant to Notice thereof given, and fixed up at the Dock Gate of His Majeſty's Yard near the Town of *Plymouth*, and at the Town Hall of the Borough of *Plymouth*, and likewiſe publiſhed in the *London Gazette* Thirty Days and more before ſuch Meeting, at the Houſe of *Timothy Bayley*, known by the Name or Sign of *The King's Arms*, in *Plymouth* Dock, and did then and there, in a ſummary Manner, proceed and act by and upon the Teſtimony of Witneſſes, Inſpection, and Examination of Deeds, Writings, and Records, and by and upon the Requeſt of Twenty good and lawful Men, ſubſtantial Gentlemen, and Freeholders of the County of *Devon*, impanelled, ſummoned, and returned, by *Peter Comyns* Eſquire, Sheriff of the ſaid County of *Devon*, to take the Inqueſt; Twelve of which Jury did, upon their Oaths, inquire into and preſent the true and real Value of the ſaid Meſſuages, Lands, Tenements, and Hereditaments, mentioned in the ſaid Act, to be ſituate at *Plymouth* and *Plymouth* Dock, in the ſaid County of *Devon*, and of every Part and Parcel thereof, and who reſpectively were the Owners and Proprietors thereof, and their reſpective Eſtates and Intereſts therein; and thereupon Five or more of the ſaid Commiſſioners then preſent, did adjudge and determine who reſpectively were the Owners and Proprietors of the ſaid Meſſuages, Lands, Tenements, and Hereditaments, at *Plymouth* and *Plymouth Dock* aforeſaid, and their reſpective Eſtates and Intereſts therein, and in every Part and Parcel thereof, and what each reſpective Owner and Proprietor thereof was intitled to for his reſpective Eſtate and Intereſt therein, amounting together to the Sum of 25,159 *l.* 17 *s.* 6 *d.* of lawful Money of *Great Britain*:

And

And whereas by virtue of the ſaid Commiſſion, and in purſuance of the ſaid Act, Five or more of the ſaid Commiſſioners in the ſaid Commiſſion named, did, on the Firſt Day of *November*, in the ſaid Thirty-ſecond Year of His Majeſty's Reign, meet, purſuant to Notice given and fixed up at the Dock Gate of His Majeſty's Yard at *Chatham*, and at the Town Hall of the City of *Rocheſter*, and likewiſe publiſhed in the *London Gazette* Thirty Days and more before ſuch Meeting, at the Guild-hall of the City of *Rocheſter*, and did then and there, in a ſummary Manner, by and upon the Teſtimony of Witneſſes, Inſpection and Examination of Deeds, Writings, and Records, and by and upon the Inqueſt of Fifteen good and lawful Men, ſubſtantial Gentlemen and Freeholders of the County of *Kent*, impanelled, ſummoned, and returned, by *Thomas Whitaker* Eſquire, Sheriff of the ſaid County of *Kent*, to take the Inqueſt; who, upon their Oaths, did inquire into and preſent the true and real Value of the Lands in the ſaid Act mentioned, to be ſituate in or near *Chatham* aforeſaid, in the ſaid County of *Kent*, and of every Part and Parcel thereof, and who reſpectively were the Owners and Proprietors thereof, and their reſpective Eſtates and Intereſts therein; and thereupon Five or more of the ſaid Commiſſioners then preſent did adjudge and determine who reſpectively were the Owners and Proprietors of the ſaid Lands and Hereditaments in or near *Chatham* aforeſaid, and their reſpective Eſtates and Intereſts therein, and in every Part and Parcel thereof, and what each reſpective Owner and Proprietor thereof was intitled to for his, her, and their reſpective Eſtates and Intereſts therein, amounting together to the Sum of 652 *l.* 10 *s.* of like lawful Money of *Great Britain*; and the ſaid Commiſſioners then preſent at the ſaid Town Hall of the ſaid City of *Rocheſter*, upon the Complaint of ſeveral Perſons, Owners of Lands adjoining to Part of the Lands by the ſaid Act veſted, that they had reſpectively received Damage by making the Fortifications there, did certify and eſtimate the reſpective Damages done to the reſpective Lands of the ſeveral Perſons complaining, amounting together to the Sum of 55 *l.* 13 *s.*

of like lawful Money of *Great Britain*: And whereas by virtue of the ſaid Commiſſion, and in purſuance of the ſaid Act, Five or more of the ſaid Commiſſioners in the ſaid Commiſſion named, did, on the firſt Day of *January*, in the ſaid Thirty-ſecond Year of His Majeſty's Reign, meet, purſuant to Notice given and fixed up at the Dock Gate of His Majeſty's Yard at *Portſmouth*, and at the Town Hall of *Portſmouth* aforeſaid, and likewiſe publiſhed in the *London Gazette*, Thirty Days and more before ſuch Meeting, at the Guild-hall of the Borough of *Portſmouth*, and did then and there, in a ſummary Manner, by and upon the Teſtimony of Witneſſes, Inſpection and Examination of Deeds, Writings, and Records, and by and upon the Inqueſt of Fourteen good and lawful Men, ſubſtantial Gentlemen and Freeholders of the County of *Southampton*, impanelled, ſummoned, and returned, by *Henry Compton* Eſquire, Sheriff of the ſaid County of *Southampton*, to take the Inqueſt; who, upon their Oath, did inquire into and preſent the ſeveral Lands, Tenements, and Hereditaments, in the ſaid Act mentioned to be reſpectively ſituate in the ſeveral Pariſhes of *Wimering*, *Portſea*, and *Alverſtoke*, in the ſaid County of *Southampton*, and of every Part and Parcel thereof, and who reſpectively were the Owners and Proprietors thereof, and their reſpective Eſtates and Intereſts therein; and thereupon Five or more of the ſaid Commiſſioners then preſent did adjudge and determine who reſpectively were the Owners and Proprietors of the ſaid Lands, Tenements, and Hereditaments, at *Wimering*, *Portſea*, and *Alverſtoke* aforeſaid, and their reſpective Eſtates and Intereſt therein, and in every Part and Parcel thereof, and what each reſpective Owner and Proprietor thereof was intitled to for his, her, and their reſpective Intereſt therein, amounting together to the Sum of 6937 *l.* 13 *s.* 7 $\frac{1}{4}$ *d.* of lawful Money of *Great Britain*: And whereas, by the ſaid recited Act, Intereſt is directed to be paid for the Groſs Sum which ſhould be aſſeſſed for the real Value of the Lands and Hereditaments aforeſaid: Now, for making Compenſation to the ſaid Owners and Proprietors, and for the more effectual carrying the ſaid Act into Execution;

may

may it pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That out of all or any the Aids or Supplies granted to His Majeſty, for the Service of the Year 1759, there ſhall and may be iſſued and applied any Sum or Sums of Money not exceeding the Sum of 34,521 *l.* 15 *s.* 9 *d.* for and towards making a reaſonable and juſt Compenſation and Satisfaction to all and every Perſon and Perſons, Bodies Politick and Corporate, Eccleſiaſtical and Civil, who, at the Time of making the ſaid Act, were the ſeveral and reſpective Owners and Proprietors of the Meſſuages, Lands, Tenements, and Hereditaments, in the ſaid Act mentioned, according to their ſeveral Eſtates and Intereſt therein, in Poſſeſſion, Reverſion, Remainder, or otherwiſe.

A Sum not exceeding 34,521 *l.* 15 *s.* 9 *d.* to be iſſued and applied out of the Aids granted for the Service of the Year 1759, towards making Compenſation to the Parties intereſted.

And, to the Intent that all and ſingular the Proprietors aforeſaid may be paid for their reſpective Eſtates and Intereſt, all and every ſuch Sum or Sums of Money as they have been adjudged and determined by the ſaid Commiſſioners to be reſpectively intitled unto, together with Intereſt for the ſame; be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Surveyor General of the Ordnance for the Time being to make out and allow One or more Bill or Bills to the reſpective Perſon or Perſons, Bodies Politick or Corporate, for ſuch Sum and Sums of Money as is or are to them reſpectively adjudged, together with Intereſt for the ſame, after the Rate of Four Pounds *per Centum per Annum*; which Bill or Bills, ſo made out and allowed, ſhall expreſs the reſpective Houſe or Houſes, Number of Acres, or Parcel of Lands, together with the Name of the Perſon or Perſons, Bodies Politick or Corporate, and the reſpective Sum or Sums of Money, he, ſhe, or they, is or are to receive; and thereupon One or more Debenture or Debentures ſhall be prepared for the ſeveral and reſpective Sums as aforeſaid by the Clerk of the Ordnance for the Time being, and ſigned by Three or more of the principal

Bills to be made out for the reſpective Sums and Intereſt by the Surveyor General of the Ordnance,

and Debentures to be iſſued thereupon;

which are to be paid by the Treaſurer of the Ordnance.

cipal Officers of the Ordnance for the Time being; which Debenture or Debentures is and are hereby required to be paid by the Treaſurer of the Ordnance for the Time being, who ſhall take Acquittances from the Parties indorſed thereon.

Where the Debentures ſhall be refuſed to be accepted, they are to be depoſited with the Clerk of the Peace of the County, and Acquittances taken for the ſame;

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons, Bodies Politick or Corporate, ſhall wilfully refuſe to accept of or receive ſuch Debenture or Debentures, as aforeſaid; that then, and in ſuch Caſe, it ſhall and may be lawful for the Clerk of the Ordnance for the Time being to leave and depoſit ſuch Debenture or Debentures with the Clerk of the Peace of the reſpective Counties where the Meſſuages, Lands, or Tenements, do lie, in reſpect whereof ſuch Sum of Money is to be paid, and to take his Acquittance or Acquittances for the ſame, which ſuch Clerk of the Peace is hereby required to give without any Fee or Reward, and which ſhall be taken and deemed to be valid; and the Meſſuages, Lands, Tenements, and Hereditaments, of ſuch Perſon or Perſons, Bodies Politick or Corporate, ſo refuſing to accept ſuch Debenture or Debentures, ſhall be veſted to the Uſe of His Majeſty, His Heirs and Succeſſors, for ever, as if he, ſhe, or they, had received ſuch Debenture or Debentures, and the Money thereon due had been fully ſatisfied and paid.

and the Lands thereupon to veſt to His Majeſty's Uſe.

Where the Parties intereſted ſhall be diſabled by Law from taking and diſpoſing of the Money,

it is then to be paid to the Remembrancer of the Exchequer,

And be it further enacted by the Authority aforeſaid, That if any of the ſaid Meſſuages, Lands, Tenements, and Hereditaments, ſo veſted by the ſaid Act, or any Intereſt therein, ſhall belong to any Corporation, or Body Politick, Eccleſiaſtical or Civil, or to any other Perſon or Perſons whatſoever, who, by reaſon of any Diſability, is or are not capable by Law to take and diſpoſe of the ſeveral Sums of Money which ſhall be due and payable for and in reſpect of their ſeveral Intereſts in the ſaid Lands, Tenements, or Hereditaments, or any Part thereof, by the ſaid Act veſted; that then, and in every ſuch Caſe, the Money due to ſuch Body or Bodies Politick or Corporate, Eccleſiaſtical or Civil, or ſuch Perſon or Perſons under ſuch Diſability as aforeſaid, ſhall be paid into the Hands of the Deputy

Deputy Remembrancer of His Majeſty's Court of Exchequer for the Time being, for the Uſe of ſuch Body or Bodies Politick or Corporate, and the reſpective Perſons intereſted therein as aforeſaid; which ſeveral Sums of Money ſhall, with all convenient Speed, be laid out in the Purchaſe of other Lands, Tenements, or Hereditaments, in Places moſt convenient for the Parties intereſted, their Heirs and Succeſſors, any Law, Statute, or Cuſtom, to the Contrary thereof notwithſtanding: And the Eſtate or Eſtates ſo to be purchaſed ſhall be conveyed and ſettled to the ſame Uſes, Intents, and Purpoſes, as the former Eſtates were ſettled, at ſuch Time as they became veſted in the Truſtees appointed by the ſaid Act: And that until ſuch Purchaſes can be made, it ſhall and may be lawful for the ſaid Deputy Remembrancer to place ſuch Monies out at Intereſt, on Parliamentary Funds, or other good Securities, which Intereſt ſhall, from Time to Time, as the ſame ſhall grow due, be paid to the ſeveral and reſpective Parties who are reſpectively intitled to ſuch principal Sums.

and to be laid out in the Purchaſe of other Lands,

to be conveyed and ſettled to the ſame Uſes;

and till ſuch Purchaſes can be made, is to be placed out at Intereſt.

And whereas the Lands lately purchaſed at or near *Portſmouth* and *Chatham* for fortifying the Docks there, were before, and at the Time of taking in the ſame, liable to, and charged with, the Land Tax, Poor, and other Rates, of the reſpective Pariſhes, wherein ſuch Lands reſpectively lie, and no Conſideration was or has been allowed or paid to diſcharge ſuch Lands from, or any Proviſion made for the Payment thereof: And whereas ſuch Lands are chiefly under the Care and Management of His Majeſty's Officers of Ordnance at the reſpective Places aforeſaid; now, in order to obviate all Difficulties concerning ſuch Taxes and Rates, be it further enacted by the Authority aforeſaid, That the Lands and Premiſes taken in for the Purpoſes aforeſaid ſhall, from henceforth, ſtand, and be ſubject, liable to, and chargeable with, the Payment of the Land Tax, and all Pariſh Taxes and Rates, in Proportion with other Lands and Premiſes in ſuch reſpective Pariſhes charged and chargeable therewith; and that the ſaid Lands and Premiſes, hereby ſo charged and chargeable with ſuch Taxes and Rates, ſhall, as

The Lands and Premiſes taken in for the fortifying the Docks at *Portſmouth* and *Chatham* chargeable to the Land Tax, and Pariſh Taxes, &c.

as to ſo much thereof as ſhall not be otherwiſe demiſed or occupied by any particular Perſon or Perſons, ſtand, and be charged to, and in the Name of, and paid by, the Storekeeper of His Majeſty's Ordnance for the Time being, at the ſaid reſpective Ports or Places where ſuch Lands reſpectively lie; and that ſuch Storekeeper paying the ſame ſhall be repaid and allowed ſuch Sum and Sums of Money as ſuch Storekeeper ſhall ſo pay by the Treaſurer or Paymaſter of His Majeſty's Ordnance for the Time being, on Demand thereof, who ſhall be allowed the ſame in his Accounts: And that in caſe ſuch Storekeeper, ſo charged and chargeable therewith, ſhall neglect or refuſe to pay any ſuch Tax or Rate ſo to be made on him as aforeſaid, when demanded; that then, and in every ſuch Caſe, the Sum or Sums ſo to be aſſeſſed and charged to and on ſuch Storekeeper, in reſpect of ſuch Lands and Premiſes, ſhall and may be levied on ſuch Storekeeper, by ſuch Ways and Means, and in ſuch Manner, as upon any other Occupier of Lands liable to the Payment of any ſuch Tax or Rate, any Law, Statute, Cuſtom, or Uſage, to the Contrary in any-wiſe notwithſtanding.

which are to be paid by the Storekeeper,

and allowed in his Accounts;

and in caſe of Non-payment, may be levied on him.

---

*Anno* 2° Geo. III. Cap. XXXVII.

*An Act for veſting certain Lands, Tenements, and Hereditaments, upon the Sea Coaſts, in the Counties of* Kent, Suſſex, *and* Southampton, *on which Forts and Batteries have been erected for the Defence of the ſaid Coaſts, in Truſtees, for certain Uſes; and for other Purpoſes therein mentioned.*

Preamble.

WHEREAS the Coaſts of *Suſſex*, *Kent*, and *Southampton*, lay open and expoſed to the hoſtile Invaſions of His Majeſty's Enemies; And whereas our late moſt Gracious Sovereign Lord *George* the Second, out of His paternal Affection, tendering the Welfare and Protection of His dutiful and loyal Subjects, did order and direct the Maſter General

General and principal Officers of His Ordnance, to erect and build ſeveral Forts and Batteries, at convenient Diſtances, upon the ſaid Coaſts: And whereas, in purſuance of ſuch Orders, Forts and Batteries have been erected, by and with the Conſent of the Owners and Proprietors of the ſeveral Lands herein-after mentioned, on which the ſame are reſpectively erected, at little *Hampton*, *Brighthelmſtone*, *Newhaven*, *Blotchington*, *Seaford*, *Haſtings*, and *Rye*, in the County of *Suſſex*; and at *Folkeſtone* and *Hyth*, in the County of *Kent*; and in the Pariſh and Iſland of *Portſea*, in the County of *Southampton*: And whereas it is juſt and reaſonable that the ſeveral Owners and Proprietors of ſuch Lands ſhould have proper Compenſation and Satisfaction made for their reſpective Intereſts therein, and that the ſaid Lands ſhould be veſted for ever in the Crown, or in Truſtees, for the Uſe and Benefit of Your Majeſty, Your Heirs and Succeſſors, after ſuch Compenſation made to the Owners and Proprietors of the ſaid Lands; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in Parliament aſſembled, and by the Authority of the ſame, That all that Piece or Parcel of Land, ſituate on the Sea Shore, on the Eaſt Side of the Entrance into *Arundel Haven*, in the Pariſh of *Climpton*, in the County of *Suſſex*, containing Two Acres, Twelve Perch and an Half, on which a Fort or Battery, called *Little Hampton Battery*, with Gunners Barracks, and the Magazine thereto belonging, have lately been erected; and alſo all that Piece or Parcel of Land, ſituate on the Sea Shore, at the Eaſt Part of the Town of *Brighthelmſtone*, in the ſaid County of *Suſſex*, containing One Rood, Twenty-ſeven Perch and Three Quarters, being Part of the Lands of *Brighthelmſtone* aforeſaid, called the *Eaſt Cliſt*, on which ſaid Piece of Land laſt mentioned the Fort or Battery, called *Brighthelmſtone Battery*, with Gunners Barracks, and the Magazine thereto belonging, have lately been erected; and alſo all that Piece or Parcel of

The Lands, with the Barracks and Magazines, whereon the ſeveral Forts or Batteries following ſtand, *viz.* of *Little Hampton*, on the Entrance in *Arundel Haven*, *Brighthelmſtone Battery*;

£17/15

£17/16

*Newhaven Battery.*

Z 17/19

of Land, ſituate on the North Side, at the Entrance of the Harbour of *Newhaven*, in the ſaid County of *Suſſex*, containing One Acre, Two Rood, and Twenty-ſeven Perch, Part of the Lands called *the Caſtle Hill*, on which ſaid Piece of Land laſt mentioned the Fort or Battery, called *Newhaven Battery*, with Gunners Barracks, and the Magazine thereto belonging, have lately been erected; and alſo

*Blotchington Battery;*

Z 17/22

all that Piece or Parcel of Land, ſituate in the Pariſh of *Blotchington*, in the ſaid County of *Suſſex*, together with a Way and Paſſage, Five hundred twenty-ſix Feet in Length, and Ten Feet Wide, from the Weſt Angle of the ſaid Piece or Parcel of Land to a certain Well ſituate on *Blotchington Down*, which ſaid Piece or Parcel of Land, with the ſaid Way or Paſſage, contain Three Acres, Twenty-one Perch, and on which ſaid Piece or Parcel of Land a Fort or Battery, called *Blotchington Battery*, with Gunners Barracks and the Magazine thereto belonging, have lately been

*Seaford Battery;*

Z 17/20

erected; and alſo all that Piece or Parcel of waſte Land, ſituate in the Pariſh of *Seaford*, in the ſaid County of *Suſſex*, containing, together with a Well, at the Town of *Seaford*, One Acre, One Rood, and Seven Perch, being the greateſt Part thereof waſte Lands, called *Seaford Beach*, on which the Fort and Battery, called *Seaford Battery*, with the Gunners Barracks, and Magazines thereto belonging,

*Haſting Battery:*

Z 17/32

have lately been erected; and alſo all that Piece or Parcel of waſte Land, ſituate in the Pariſh of *Saint Mary of the Caſtle*, on the Pier at the Weſt Side of the Town of *Haſting*, in the ſaid County of *Suſſex*, on which a Battery, called *Haſting Battery* has lately been erected, and alſo all that other Piece or Parcel of Land, ſituate on the ſaid Pier, on which the Gunners Barracks, and Magazine belonging to the ſaid Battery laſt mentioned, have lately been erected, which ſaid Two Pieces or Parcels of Land laſt mentioned

*Gun Garden Battery at Rye,*

contain together One Rood, and Twenty-five Perch; and alſo all that Piece or Parcel of waſte Land, ſituate at *Rye*, in the ſaid County of *Suſſex*, containing One Acre, Two Rood, and Thirty-three Perch, called *the Gun Garden Battery*, where an old Battery formerly ſtood, and on which Two

Z 17/36

new

new Batteries called *the Upper Battery* and *Lower Battery*, and the Magazine to them belonging, have lately been erected; and alſo all that other Piece or Parcel of Waſte Land, ſituate at *Rye* aforeſaid, containing Six Perch, being Part of the Waſte called *the old Church Yard*, on which the Gunners Barracks belonging to the ſaid Batteries laſt mentioned have lately been erected; and alſo all that Piece or Parcel of Land, ſituate at *Folkeſtone*, in the County of *Kent*, containing One Acre, One Rood, and Twelve Perch, being Part of a Piece of Land, called *the Upper Bail Ground*, on which a Fort or Battery has been lately erected; and alſo all that Piece or Parcel of waſte Land, ſituate near the Town of *Hyth*, in the ſaid County of *Kent*, containing Twenty-one Perch, on which a Battery of Five Guns has been lately erected, and alſo all that other Piece or Parcel of waſte Land, near the ſaid Town of *Hyth*, containing Twenty-four Perch, on which the Gunners Barracks, and Magazine belonging to the ſaid Battery laſt mentioned, have been lately erected; and alſo, all that Piece or Parcel of Land, ſituate in the Pariſh of *Portſea*, in the County of *Southampton*, containing Four Acres, Three Rood, and Seventeen Perch, being Part of Two Fields, called *the Sixteen Acre Field*, and *the Eighteen Acre Field*, belonging to *Lump's* Farm, in the ſaid Pariſh of *Portſea*, on which a Fort or Battery called *Lump's Battery*, with the Gunners Barracks, and Magazine thereto belonging, have lately been erected; and alſo all that Piece or Parcel of Land, ſituate in the ſaid Pariſh of *Portſea*, containing Six Acres, Two Rood, and Twenty-one Perch, being Part of Two Fields called *Lock's Puttock*, and *the Thirty Acre Field*, belonging to a Farm called *Eaſtney Farm*, in the ſaid Pariſh of *Portſea*, on which a Fort or Battery called *Eaſtney Battery*, with the Gunners Barracks, and Magazine thereto belonging, have lately been erected, together with the Beach or Shingle between High-water Mark, and Low-water Mark, contiguous to and adjoining the ſaid ſeveral Pieces or Parcels of Land, or any or either of them; and all other Rights, Members, and Appurtenances to them, or any or either of them, belonging or appertaining, ſhall be, and are hereby

with the *Upper* and *Lower Batteries* there;

Z 17/36

*Folkeſtone Battery*;

Z 17/46

*Hyth Battery*;

Z 17/38 & 39

at *Portſea*;

*Lump's Battery*;

and *Eaſtney Battery*;

are ſeverally veſted with the Rights, Members, and Appurtenances thereto belonging, in the Truſtees herein mentioned.

hereby veſted and declared to be in the actual and real Poſſeſſion and Seiſin of Sir *John Cuſt* Baronet, Speaker of the Houſe of Commons, the Honourable *Robert Fairfax*, Sir *Wyndham Knatchbull Wyndham* Baronet, *Thomas Pelham* Eſquire, *John Butler* Eſquire, the Right Honourable *Henry Biſſon Legge*, and Sir *Simeon Stuart* Baronet, their Heirs and Aſſigns, for ever, in Truſt; nevertheleſs, for ſuch Perſon and Perſons, Bodies Politick or Corporate, Eccleſiaſtical or Civil, as at or immediately before the Time of making this Act were the ſeveral and reſpective Owners and Proprietors thereof, according to their ſeveral Eſtates and Intereſts therein, at the ſame Time in Poſſeſſion, Reverſion, Remainder, or otherwiſe, until ſuch Eſtates and Intereſts ſhall be reſpectively adjudged and determined, and reaſonable and juſt Compenſation and Satisfaction ſhall be made for the ſame.

In Truſt for the reſpective Owners and Proprietors thereof.

And be it further enacted by the Authority aforeſaid, That for the better aſcertaining the ſeveral Owners and Proprietors of the ſaid Lands, and their reſpective Titles and Claims thereto, it ſhall and may be lawful to and for His Majeſty, by One or more Commiſſion or Commiſſions, by Letters Patent, under the Great Seal of *Great Britain*, to authoriſe and appoint any Number of Perſons to be Commiſſioners, to hear and determine all Titles and Claims, that ſhall or may be made to the ſaid Lands, Tenements, and Hereditaments, or to any Part or Parcel thereof; which Commiſſioners ſo to be appointed, or any Five or more of them, are hereby authoriſed and required, and ſhall and may, in a ſummary Manner, proceed, act, and determine, by and upon the Teſtimony of Witneſſes upon Oath, (which Oath, they or any Five or more of them, are hereby impowered to adminiſter), Inſpection and Examination of Deeds, Writings, and Records, or by Inqueſt of Twelve good and lawful Men, to be impanelled and ſworn in Manner herein-after mentioned and directed, or by all, or any of the ſaid Ways, or otherwiſe, according to their Diſcretion, all and all Manner of Rights, Eſtates, and Intereſts, and all Controverſies, Debates, and Queſtions, which ſhall happen and ariſe between any Perſon or Per-

His Majeſty impowered to iſſue Letters Patent, appointing Commiſſioners to hear and determine the Titles and Claims of the ſeveral Proprietors of the ſaid Lands, Tenements, and Hereditaments, and their reſpective Intereſts therein;

They are to proceed therein in a ſummary Way, by the Teſtimony of Witneſſes upon Oath, Inſpection, and Examination of Deeds, and other Evidences, or by Inqueſt, &c.

ſons whatſoever, or any other Matter or Thing, relating to any of the Premiſes, or any Part thereof; and ſhall have Power to ſend for any Perſon or Perſons, and oblige them to produce their Deeds or Writings, upon Oath, relating to any of the ſame Premiſes; and alſo ſhall and may, by Agreement with the reſpective Perſon or Perſons that ſhall be determined to be the Owners and Proprietors of the ſaid Lands, or by the ſaid Inqueſt of the ſaid Twelve good and lawful Men to be impanelled and ſworn, inquire, proceed, act, and determine, touching and concerning the true and real Value of the ſaid Premiſes, or any Part or Parcel thereof, were, or was of, at the Time the ſame were firſt made Uſe of for the Purpoſes aforeſaid: And the ſaid Commiſſioners, or any Five or more of them, are hereby required to cauſe all their Judgements and Decrees to be entered fairly in Books; which Judgements and Decrees ſhall expreſsly mention and ſpecify the reſpective Number of Acres or Parcels of Land, with their ſeveral Abuttals and Boundaries, together with the Name or Names of every Perſon or Perſons intereſted reſpectively in the ſame; and the reſpective Sum or Sums that ſhall be ſo agreed for, or aſſeſſed by the ſaid Jury, to be paid for the ſame reſpectively; which Judgements and Decrees ſhall likewiſe be fairly ingroſſed on Parchment, and certified to the Clerk of the Crown in Chancery, and to the King's Remembrancer in His Majeſty's Court of Exchequer, and ſuch Judgements and Decrees, made as aforeſaid, ſhall be final, and ſhall conclude all and every Perſon and Perſons, Bodies Politick and Corporate, Eccleſiaſtical and Civil, their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns reſpectively, notwithſtanding any Diſability or Incapacity whatſoever; any Law, Statute, or Cuſtom, or other Matter or Thing whatſoever to the Contrary notwithſtanding; Copies of which ſaid Judgements and Decrees ſhall be laid forthwith before both Houſes of Parliament, that a juſt and reaſonable Compenſation and Satisfaction may be made to the ſeveral Owners and Proprietors of the ſaid Lands, Tenements, and Hereditaments.

And they are impowered to ſend for any Perſons, and oblige them to produce their Deeds, &c. relating to the Premiſes; and, by Agreement or Inqueſt, to ſettle the Value thereof:

They are to cauſe their Judgements and Decrees to be entered in Books, ſpecifying the Deſcription and Boundaries of the ſaid Lands, with the Names of the Parties intereſted; and the Sums agreed for, or aſſeſſed by the Jury, to be paid for the ſame.

The ſaid Judgements and Decrees to be likewiſe ingroſſed on Parchment, and certified to the Clerk of the Crown in Chancery, and the King's Remembrancer in the Exchequer; the ſame declared to be final and concluſive to all Parties,

and Copies thereof are to be laid forthwith before both Houſes of Parliament, in order that a reaſonable Compenſation may be made to the ſeveral Owners.

Commiſſioners impowered to iſſue Warrants to the Sheriffs for impanelling and returning a ſufficient Jury.

And be it further enacted by the Authority aforeſaid, That, for the better carrying the ſaid Commiſſion or Commiſſions into Execution, the ſaid Commiſſioners to be appointed in and by the ſaid Commiſſion or Commiſſions, or any Five or more of them, ſhall and lawfully may, and are hereby authoriſed and required, to iſſue forth their Warrant or Warrants under their Hands and Seals, to be directed to the reſpective Sheriffs of the reſpective Counties wherein ſuch Lands, Tenements, or Hereditaments, ſhall lie, thereby commanding them reſpectively to impanel, ſummon, and return, before the ſaid Commiſſioners, at ſuch Times and Places as ſhall be appointed in ſuch Warrant or Warrants, a good and ſufficient Jury of Twenty-four good and lawful Men, qualified to ſerve upon Juries at the Aſſizes for the ſaid reſpective Counties; who, upon their Oaths, (which Oaths the ſaid Commiſſioners, or any Five or more of them, ſhall have Power to adminiſter), ſhall inquire into the true and real Value of the ſaid Lands, Tenements, and Hereditaments, and every Part or Parcel thereof, and who reſpectively are the Owners and Proprietors thereof, and their reſpective Eſtates and Intereſts therein; and, the better to enable the ſaid Jurors to make ſuch Inquiry, the ſaid Commiſſioners ſhall, and lawfully may, direct, in ſuch their Warrant or Warrants to the ſaid reſpective Sheriffs, a View to be taken, by Six or more of the ſaid Jurors, of the ſeveral Lands in the ſaid reſpective Counties, at ſome Time previous to the Meeting of the ſaid Commiſſioners; and the Sheriffs of the ſaid Counties reſpectively, upon Receipt of ſuch Warrant or Warrants from the ſaid Commiſſioners as aforeſaid, are hereby required to impanel, ſummon, and return, Twenty-four good and lawful Men, qualified to ſerve upon Juries at the Aſſizes for the ſaid reſpective Counties; and, in the mean Time, to have Six or more of the ſaid Jurors, ſo impanelled and ſworn, to view the ſaid Lands in their reſpective Counties; and, at the Return of ſuch Warrant or Warrants, to attend the ſaid Commiſſioners with his Bailiffs or Officers, to prove, if neceſſary, the Summons of the Jurors ſo to be impanelled and returned reſpectively, upon Oath, which Oath the ſaid Com-

Jury to be ſworn.

Their Duty.

Six or more of them may be directed to take a View of the Premiſes.

Sheriff to impanel and ſummon a Jury accordingly, &c.

and, at the Return of the Warrants, to attend, with his Officers, the Commiſſioners, in order to prove the Service of the Summons.

Commiſſioners, or any Five or more of them, ſhall have Power to adminiſter to the ſaid Sheriff and his Bailiffs and Officers, or any or either of them: And in caſe the ſaid Sheriff or Sheriffs, and his or their Bailiffs and Officers, or any or either of them, ſhall neglect or refuſe, being duly ſerved with ſuch Warrant or Warrants of the ſaid Commiſſioners, Fourteen Days before the Return thereof, to impanel, ſummon, and return, ſuch Jury of good and lawful Men, as aforeſaid, or otherwiſe refuſe to execute ſuch Warrant or Warrants, or ſhall not attend the ſaid Commiſſioners with his Bailiffs and Officers, who ſhall ſummon the ſaid Jurors at the Return of ſuch Warrant or Warrants, as aforeſaid; then, and in either of the ſaid Caſes, the ſaid Commiſſioners, or any Five or more of them, are hereby authoriſed and required to impoſe a Fine on ſuch Sheriff, Bailiffs, and Officers, or any or either of them ſo making Default, not exceeding Twenty Pounds, nor leſs than Ten Pounds, for any One Offence: And in caſe the ſaid Jurors, ſo to be impanelled, ſummoned, and returned, or any or either of them, ſhall neglect or refuſe to appear at the Return of ſuch Warrant or Warrants, and to be ſworn for the Purpoſes aforeſaid; then, and in ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners then aſſembled and met, to impoſe a Fine upon each and every of the Jurors ſo impanelled, ſummoned, and returned, and without lawful Excuſe, (to be allowed of by the ſaid Commiſſioners then ſitting, or the major Part of them), making Default, or refuſing to be ſworn, not exceeding the Sum of 10*l.* of lawful Money of *Great Britain*; which Fine and Fines ſo to be impoſed and ſet, the ſaid Commiſſioners are hereby authoriſed and required to eſtreate into His Majeſty's Court of Exchequer, to be levied to the Uſe of His Majeſty.

Sheriffs or Officers neglecting their Duty in the Premiſes, may be fined by the Commiſſioners in a Sum not exceeding 20*l.* nor leſs than 10*l.* for One Offence.

Jurors neglecting their Duty, without lawful Excuſe, may be fined in like Manner, in a Sum not exceeding 10*l.*

Fines may be eſtreated into the Exchequer, and levied to the Uſe of His Majeſty.

And be it enacted by the Authority aforeſaid, That in caſe a ſufficient Jury ſhall not appear upon the Return of the ſaid Warrant or Warrants to take the Inqueſt, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to adjourn the ſaid Inqueſt to any future Day, not exceeding Fourteen Days, nor leſs than Four Days, from the Adjournment thereof; and to iſſue out

If a ſufficient Jury ſhall not be found upon Return of the Warrant, the Commiſſioners may adjourn the Inqueſt to ſome future Day, not exceeding 14 Days nor leſs than 4, and iſſue their Warrant for ſummoning and returning a Number equal to thoſe making Default.

out their Warrant or Warrants, for impanelling, ſummoning, and returning, an equal Number of Jurors to thoſe ſo making Default, who, together with the Jurors before returned by the Sheriffs of the reſpective Counties upon ſuch ſecond Warrant or Warrants afterwards to be iſſued, or upon any future Warrant or Warrants, Adjournment or Adjournments, which the ſaid Commiſſioners are hereby authoriſed to iſſue and make from Time to Time, until a ſufficient Jury can be had, ſhall inquire as aforeſaid.

Twelve deemed a ſufficient Jury.

Provided always, That Twelve good and lawful Men ſhall be ſufficient to take the Inqueſt aforeſaid: And that in caſe Twelve or more (not exceeding Twenty-three in the Whole) ſhall appear and be ſworn to take ſuch Inqueſt, then, and in ſuch Caſe, the ſaid Commiſſioners ſhall continue and ſit from Day to Day, until the ſaid Inqueſt ſhall be taken; and, after the Inqueſt ſhall be taken, may adjourn to ſome future Day for making their Judgements and Decrees thereon.

The Jury being ſworn, the Commiſſioners are to ſit from Day to Day until the Inqueſt is taken; and may then adjourn to ſome future Day for making their Judgements and Decrees thereon.

Commiſſioners to give 30 Days Notice previous to their Meeting for the Purpoſes aforeſaid; the ſame to be affixed on the Doors of the Guild-hall of *Canterbury*, the Town halls of *Lewes* and *Portſmouth*, and the principal Gates and Entrances into the reſpective Forts and Batteries before mentioned; and publiſhed in the *London Gazette*.

And, to the Intent that no Perſon or Perſons may have any Cauſe or Pretence for not appearing to make out their Claims or Title to the ſaid Lands, Tenements, or Hereditaments, or any Part or Parcel thereof, be it further enacted by the Authority aforeſaid, That Five or more of the ſaid Commiſſioners ſhall give Notice in Writing, Thirty Days at leaſt before their Meeting at each Place, which Writing ſhall be affixed at the reſpective Doors of the Guild-hall of the City of *Canterbury*, the Town-hall of the Borough of *Lewes*, and the Town-hall of the Borough of *Portſmouth*, and at the principal Gates of, and Entrances into, the reſpective Forts and Batteries before mentioned; and ſhall likewiſe be publiſhed in the *London Gazette*: And if any Perſon or Perſons ſhall neglect or refuſe to appear, or, when he or they ſhall appear, ſhall wilfully refuſe to ſhew his or their Deeds or Writings relating to the Premiſes, that then the ſaid Commiſſioners, or any Five or more of them, and the Jurors to be impanelled and ſworn upon ſuch Inqueſt, ſhall proceed, upon the beſt Information they can get or have, to make ſuch Inqueſt, Judgements, and Decrees, as before directed; and all ſuch Judgements and Decrees, being

Where Perſons refuſe to appear, or produce their Evidence, purſuant to ſuch Notice, the Commiſſioners and Jurors are to proceed upon the beſt Information they can get; and the Judgements and Decrees thereupon made are declared to be final and concluſive.

being entered and certified as aforeſaid, ſhall be final and concluſive.

Upon Payment of the Sums decreed to the reſpective Proprietors, the Truſtees before mentioned ſhall be adjudged to ſtand ſeiſed of the Premiſes to the Uſe of the Crown, for ever freed and diſcharged of all Claims, &c.

And be it further enacted by the Authority aforeſaid, That, immediately from and after the Time that Payment ſhall be made of the Sum and Sums of Money ſo to be agreed for or aſſeſſed by the ſaid Jury, and decreed and adjudged by the ſaid Commiſſioners, or any Five or more of them, to the Owners and Proprietors of the ſaid Lands, Tenements, and Hereditaments herein before mentioned, or to any or either of them, the Truſtees herein-before mentioned ſhall be deemed and adjudged to ſtand ſeiſed of ſuch Part and Parcel of the ſaid Premiſes as ſhall be ſo paid for, to and for the Uſe of His Majeſty, His Heirs and Succeſſors, for ever, freed and diſcharged of and from all and all Manner of Right, Title, Claim, and Demand whatſoever, that can or may be made by any Perſon or Perſons, Bodies Politick or Corporate, Eccleſiaſtical or Civil.

Commiſſioners, upon Complaint made to them of any Damage done to adjoining Lands by erecting or compleating any of the ſaid Works, are to examine into ſuch Complaint, and make and return an Eſtimate of the Damage.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, upon the Complaint of any Owner or Owners, Occupier or Occupiers, of any other Lands and Hereditaments adjoining to any Part of the Lands and Hereditaments by this Act veſted in the ſaid Truſtees, that he, ſhe, or they, have received any Damage by the erecting or compleating of any of the Works thereto belonging, to examine into and hear every ſuch Complaint, and ſhall make an Eſtimate of ſuch Damage, and ſhall return ſuch Eſtimate with, and in the Manner they are herein-before directed to return, the aforeſaid Judgements and Decrees.

No private Buildings to be erected upon any of the Lands veſted as aforeſaid by this Act; and the Profits ariſing from the ſaid Lands are to be applied towards the Erection and Reparation of the reſpective Fortifications.

The Premiſes declared to be unalienable from the Crown; and are not demiſeable, otherwiſe than during Pleaſure.

And be it further enacted by the Authority aforeſaid, That no private Building or Buildings ſhall be made or erected upon any of the Lands veſted by this Act as aforeſaid; and that the whole Profits ariſing, or that ſhall hereafter ariſe, from the ſaid Lands, be, and are hereby appropriated and applied for and towards the Erection and Reparation of the reſpective Fortifications of each Place, and to no other Uſe or Purpoſe whatſoever; and all and ſingular the Premiſes ſhall be, and are hereby enacted and declared

clared to be, unalienable from the Crown; neither ſhall any Part of the Premiſes be demiſed or demiſeable, otherwiſe than during Pleaſure only.

Commiſſioners exempted from the Penalties of the ſeveral Qualification Acts of 25 *Car.* II. *c.* 2. 1 *W. & M. c.* 8, 13 & 14. *W.* III. *c.* 6.

Provided always, That no Commiſſioner who ſhall be employed in the Execution of this Act ſhall be liable, for or by reaſon of ſuch Execution, to any of the Penalties mentioned in an Act, made in the Twenty-fifth Year of the Reign of King *Charles* the Second, intituled, *An Act for preventing Dangers which may happen from Popiſh Recuſants*; or in One other Act, made in the Firſt Year of the Reign of King *William* and Queen *Mary*, intituled, *An Act for the abrogating the Oaths of Supremacy and Allegiance, and appointing other Oaths*; or in One other Act, made in the Parliament holden in the Thirteenth and Fourteenth Years of the Reign of the late King *William* the Third, intituled, *An Act for the better Security of His Majeſty's Perſon, and the Succeſſion of the Crown in the Proteſtant Line; and for extinguiſhing the Hopes of the pretended Prince of* Wales, *and all other Pretenders, and their open and ſecret Abettors*; or in One other Act, made in the Parliament begun and holden in the Firſt Year of the Reign of King *George* the Firſt, intituled, *An Act for the better Security of His Majeſty's Perſon and Government, and the Succeſſion of the Crown in the Heirs of the late Princeſs* Sophia, *being Proteſtants; and for extinguiſhing the Hopes of the pretended Prince of* Wales, *and his open and ſecret Abettors.*

and 1 *Geo.* I. *c.* 13.

The Commiſſioners are not diſqualified by being ſuch from ſitting in the Houſe of Commons, or their Election thereby become void.

Provided alſo, and be it enacted, That ſuch Commiſſioners as his Majeſty ſhall nominate for the Purpoſes in this Act, or any of them, ſhall not by reaſon thereof, in any Sort, be diſabled or diſqualified from ſitting in the Houſe of Commons, or their Election thereby become void; any Law or Statute to the Contrary thereof in any-wiſe notwithſtanding.

*Anno*

*Anno* 4° Geo. III. Cap. XXXV.

*An Act for making Compenſation to the Proprietors of ſuch Lands and Hereditaments as have been purchaſed upon the Sea Coaſts in the Counties of* Kent, Suſſex, *and* Southampton, *on which Forts and Batteries have been erected for Defence of the ſaid Coaſts, in purſuance of an Act paſſed in the Second Year of the Reign of His preſent Majeſty, and for other Purpoſes therein mentioned.*

Preamble, reciting certain Clauſes in the Act 2 *Geo.* III. *c.* 37.

WHEREAS, in purſuance of an Act of Parliament, paſſed in the Second Year of His Majeſty's Reign, intituled, *An Act for veſting certain Lands, Tenements, and Hereditaments, upon the Sea Coaſts in the Counties of* Kent, Suſſex, *and* Southampton, *on which Forts and Batteries have been erected for the Defence of the ſaid Coaſts, in Truſtees, for certain Uſes, and for other Purpoſes therein mentioned*; His Majeſty was moſt graciouſly pleaſed to iſſue a Commiſſion, by His Letters Patent under the Great Seal of *Great Britain*, bearing Date at *Weſtminſter*, the 19th Day of *July*, in the Second Year of His Reign, to impower and authoriſe certain Perſons therein named to be Commiſſioners for putting in Execution the ſaid Act; and did give to them, or any Five or more of them, full Power and Authority to do, perform, and execute all and every the Matters and Things whatſoever, which, by the ſaid Act, ſuch Commiſſioners were authoriſed and required to do, perform, and execute; thereby willing them, or any Five or more of them, from Time to Time, to proceed and act according to the Rules and Directions of the ſaid Act of Parliament: And whereas, by virtue of the ſaid Commiſſion, and in purſuance of the ſaid Act, Eleven of the ſaid Commiſſioners, in the ſaid Commiſſion named, did, on the 6th Day of *September*, in the ſaid Second Year of His Majeſty's Reign, meet, purſuant to Notice thereof given and fixed up at the Door of the Guild-hall of the City of *Canterbury*, in the ſaid County of *Kent*, and at the principal Gates of, and Entrances into, the reſpective Forts and Batteries

teries at *Folkeſtone* and *Hyth*, and likewiſe publiſhed in the *London Gazette*, Thirty Days and more before ſuch Meeting, at the *Old Caſtle* of *Canterbury* aforeſaid, and did then and there, in a ſummary Manner, proceed and act, by and upon the Teſtimony of Witneſſes, Inſpection and Examination of Deeds, Writings, and Records, and by and upon the Inqueſt of Seventeen good and lawful Men, qualified to ſerve upon Juries at the Aſſizes for the ſaid County of *Kent*, impanelled, ſummoned, and returned, by *George Kelly* Eſquire, Sheriff of the ſaid County, to take the Inqueſt, who, upon their Oaths duly adminiſtered, did inquire into and preſent the true and real Value of the Lands, Tenements, and Hereditaments mentioned, in the ſaid Act to be ſituate at *Folkeſtone* and *Hyth* in the ſaid County of *Kent*, and of every Part and Parcel thereof, and who reſpectively were the Owners and Proprietors thereof, and their reſpective Eſtates and Intereſts therein; and thereupon the ſaid Commiſſioners then preſent did adjudge and determine who reſpectively were the Owners and Proprietors of the ſaid Lands, Tenements, and Hereditaments, at *Folkeſtone* and *Hyth* aforeſaid, and their reſpective Eſtates and Intereſt therein, and in every Part and Parcel thereof, and what each reſpective Owner and Proprietor thereof was intitled to for his reſpective Eſtates and Intereſt therein, amounting together to the Sum of 90 *l.* of lawful Money of *Great Britain:* And whereas by virtue of the ſaid Commiſſion, and in purſuance of the ſaid Act, Ten of the ſaid Commiſſioners in the ſaid Commiſſion named did, on the 13th Day of *September*, in the ſaid Second Year of His Majeſty's Reign, meet at the Town-hall of the Borough of *Lewes*, in the ſaid County of *Suſſex*, purſuant to Notice given, and fixed up at the Town-hall of the Borough of *Lewes* aforeſaid, and at the principal Gates of and Entrances into the reſpective Forts and Batteries at *Little Hampton*, *Brighthelmſtone*, *Newhaven*, *Blotchington*, *Seaford*, *Haſting*, and at the Upper Battery and Lower Battery at *Rye*, and likewiſe publiſhed in the *London Gazette*, Thirty Days and more before ſuch Meeting; and did then and there, in a ſummary Manner, by and upon the Teſtimony of Witneſſes, Inſpection and Examination of Deeds, Writings,

and

and Records, and by and upon the Inqueſt of Nineteen good and lawful Men, qualified to ſerve upon Juries at the Aſſizes for the ſaid County of *Suſſex*, impanelled, ſummoned, and returned by, *Thomas Grainger*, Eſquire, Sheriff of the ſaid County of *Suſſex*, to take the Inqueſt, who, upon their Oaths, did enquire into and preſent the true and real Value of the ſaid Lands, Tenements, and Hereditaments, in the ſaid Act mentioned to be ſituate in *Climpton*, *Brighthelmſtone*, *Newhaven*, *Blotchington*, *Seaford*, *Haſting*, and *Rye*, in the ſaid County of *Suſſex*, and of every Part and Parcel thereof, and who reſpectively were the Owners and Proprietors thereof, and their reſpective Eſtates and Intereſts therein, and thereupon the ſaid Commiſſioners then preſent did adjudge and determine who reſpectively were the Owners and Proprietors of the ſaid Lands and Hereditaments in the ſaid County of *Suſſex*, and their reſpective Eſtates and Intereſts therein, and in every Part and Parcel thereof, and what each reſpective Owner and Proprietor thereof was intitled to, for his, her, and their reſpective Eſtates and Intereſt therein, amounting together to the Sum of 121*l.* 13*s.* of like lawful Money of *Great Britain*; and the ſaid Commiſſioners then preſent at the ſaid Town-hall of the ſaid Borough of *Lewes*, upon the Complaint of ſeveral Perſons, Owners of Lands adjoining to Part of the Lands by the ſaid Act veſted, that they had reſpectively received Damage by making the Fortifications there, did certify and eſtimate the reſpective Damages done to the reſpective Lands of the ſeveral Perſons complaining, amounting together to the Sum of 32*l.* 17*s.* of like lawful Money of *Great Britain*: And whereas by virtue of the ſaid Commiſſion, and in purſuance of the ſaid Act, Six of the Commiſſioners in the ſaid Commiſſion named, did, on the 27th Day of *September*, in the ſaid Second Year of His Majeſty's Reign, meet at the Town-hall of the Borough of *Portſmouth*, in the ſaid County of *Southampton*, purſuant to Notice given, and fixed up at the Door of the Town-hall of the ſaid Borough of *Portſmouth* aforeſaid, and at the principal Gates of and Entrances into the reſpective Forts and Batteries at *Lumps* and *Eaſtney*, and likewiſe publiſhed in the *London Gazette* Thirty Days and

more before ſuch Meeting; and did then and there, in a ſummary Manner, by and upon the Teſtimony of Witneſſes, Inſpection and Examination of Deeds, Writings, and Records, and by and upon the Inqueſt of Two-and-twenty good and lawful Men, qualified to ſerve upon Juries at the Aſſizes for the ſaid County of *Southampton*, impanelled, ſummoned, and returned, by Sir *Thomas Gatehouſe* Knight, Sheriff of the ſaid County of *Southampton*, to take the Inqueſt; who, upon their Oaths, did enquire into and preſent the true and real Value of the ſaid Lands, Tenements, and Hereditaments, in the ſaid Act mentioned to be ſituate in the Pariſh of *Portſea*, in the ſaid County of *Southampton*, and of every Part and Parcel thereof, and who reſpectively were the Owners and Proprietors thereof, and their reſpective Eſtates and Intereſt therein; and thereupon the ſaid Commiſſioners then preſent did adjudge and determine who reſpectively were the Owners and Proprietors of the ſaid Lands, Tenements, and Hereditaments, in the ſaid Pariſh of *Portſea*, and their reſpective Eſtates and Intereſt therein, and in every Part and Parcel thereof, and what each reſpective Owner and Proprietor thereof was intitled to for his reſpective Eſtate and Intereſt therein, amounting together to the Sum of 301 *l.* 5*s.* of like lawful Money of *Great Britain*: And whereas it is juſt and reaſonable the Owners and Proprietors of the reſpective Lands, Tenements, and Hereditaments, ſhould be paid the reſpective Sums to them adjudged for their Eſtates and Intereſt in the ſaid Lands, Tenements, and Hereditaments, in and by the ſaid recited Act mentioned, and veſted in the ſaid Truſtees therein named, together with Intereſt for the ſame, after the Rate of 4 *l. per Centum per Annum*, from the Time the ſaid Lands were firſt made uſe of for the Purpoſes in the ſaid Act mentioned; to the Time of Payment of their principal Money; for which Purpoſe, and for the more effectual carrying the ſaid Act into Execution, may it pleaſe Your Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame,

ſame, That out of all or any the Aids or Supplies granted to His Majeſty, for the Service of the Year 1764, there ſhall and may be iſſued and applied any Sum or Sums of Money, not exceeding the Sum of 649*l.* 8*s.* 9¼*d.* for and towards making a reaſonable and juſt Compenſation and Satisfaction to all and every Perſon and Perſons, Bodies Politick and Corporate, Eccleſiaſtical and Civil, who, at the Time of making the ſaid recited Act, were the ſeveral and reſpective Owners and Proprietors of the Lands, Tenements, and Hereditaments, in the ſaid recited Act mentioned, according to their ſeveral Eſtates and Intereſt therein, in Poſſeſſion, Reverſion, Remainder, or otherwiſe.

A Sum not exceeding 649*l.* 8*s.* 9¼*d.* to be iſſued out of the Supplies granted for the Service of the current Year, towards making Satisfaction to the reſpective Proprietors and Perſons intereſted in the Premiſes.

And, to the Intent that all and ſingular the Proprietors aforeſaid may be paid for the reſpective Eſtates and Intereſts all and every ſuch Sum and Sums of Money as they have been adjudged and determined by the ſaid Commiſſioners to be reſpectively intitled unto, together with Intereſt for the ſame, after the Rate of 4*l. per Centum per Annnm*, from the Time the reſpective Lands were firſt made uſe of for the Purpoſes in the ſaid recited Act mentioned to the Time of Payment of the ſaid principal Sums; be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Surveyor-general of the Ordnance for the Time being to make out and allow One or more Bill or Bills to the reſpective Perſon or Perſons, Bodies Politick or Corporate, for ſuch Sum and Sums of Money as is or are to them reſpectively adjudged, together with Intereſt for the ſame, after the Rate of 4*l. per Centum per Annum*, which Bill or Bills, ſo made out and allowed, ſhall expreſs the reſpective Lands, and the Number of Acres, together with the Name of the Perſon or Perſons, Bodies Politick or Corporate, and the reſpective Sum or Sums of Money he, ſhe, or they, is or are to receive; and thereupon One or more Debenture or Debentures ſhall be prepared for the ſeveral and reſpective Sums as aforeſaid, by the Clerk of the Ordnance for the Time being, and ſigned by Three or more of the principal Officers of the Ordnance for the Time being; which Debenture or Debentures is and are hereby required to be paid by the

Bills to be made out at the Office of Ordnance for the Sums due to the reſpective Proprietors, &c. and Debentures to be granted thereupon,

which are to be paid by the Treaſurer of the Ordnance,

the Treaſurer of the Ordnance for the Time being, who ſhall take Acquittances from the Parties indorſed thereon.

Debentures refuſed to be accepted, may be left with the Clerk of the Peace of the County wherein the Lands lie, and Acquittances be taken for the ſame.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons, Bodies Politick or Corporate, ſhall wilfully refuſe to accept of or receive ſuch Debenture or Debentures as aforeſaid; that then, and in ſuch Caſe, it ſhall and may be lawful for the Clerk of the Ordnance for the Time being to leave and depoſit ſuch Debenture or Debentures, with the Clerk of the Peace, of the reſpective Counties where the Lands, Tenements, or Hereditaments, do lie, in reſpect whereof ſuch Sum of Money is to be paid, and to take his Acquittance or Acquittances for the ſame; which ſuch Clerk of the Peace is hereby required to give without any Fee or Reward, and which ſhall be taken and deemed to be valid: And the Lands, Tenements, and Hereditaments, of ſuch Perſon or Perſons, Bodies Politick or Corporate, ſo refuſing to accept ſuch Debenture or Debentures, ſhall be veſted to the Uſe of His Majeſty, His Heirs and Succeſſors, for ever, as if he, ſhe, or they, had received ſuch Debenture or Debentures, and the Money thereon due had been fully ſatisfied and paid.

Lands to Veſt thereupon in His Majeſty.

And whereas the Money reſpectively adjudged to the ſeveral Perſon and Perſons, Bodies Politick and Corporate, are, taken diſtributely ſo minute and inconſiderable, that were the ſame to be paid into the Hands of the Deputy of the King's Remembrancer of His Majeſty's Court of Exchequer at *Weſtminſter*, to be diſpoſed of, ſubject to and by the Orders and Direction of the ſaid Court, the ſeveral Owners and Proprietors of the Lands would have no Satisfaction for the ſame; but the whole, or greater Part, of the Money would neceſſarily be expended in diſcharging the Fees of the ſaid Court; for Remedy whereof, be it further enacted, That the ſeveral Sum and Sums of Money due and owing to any Impropriator, Appropriator, Parſon, or Vicar, in Right of his Church, ſhall and lawfully may be paid into the Hands of ſuch Impropriator, Appropriator, Parſon, or Vicar; and all Sum and Sums of Money due and owing to any Body, or Bodies Politick or Corporate, or any Truſtees

The Money adjudged due to Impropriators, &c. to be paid into their Hands; that due to Bodies Politick or Corporate, or Truſtees, for their Uſe, to be paid to the Mayor, or other Chief Officer;

ſtees for their Uſe, ſhall and lawfully may be paid into the Hands of the Mayor, Bailiff, or other Chief Officer, of ſuch Body, or Bodies Politick or Corporate; and all ſuch Sum or Sums of Money of any Perſon or Perſons whatſoever, who, by reaſon of any Diſability, by Nonage, or under any Settlement, is, or are not capable by Law to take and diſpoſe of the ſeveral Sums which ſhall be due and payable to them as aforeſaid, ſhall and lawfully may be paid into the Hands of the Guardians of ſuch Infants, or the Truſtees under ſuch Settlement, for the Uſe of ſuch Body or Bodies Politick or Corporate, Eccleſiaſtical and Civil, and the reſpective Perſons intereſted therein as aforeſaid; which ſeveral Sums of Money ſo to be paid ſhall, by, ſuch Impropriators, Appropriators, Parſons, Vicars, Mayors, Bailiffs, or other Chief Officer, of any Body Politick or Corporate, Guardians and Truſtees, be, with all convenient Speed, reſpectively laid out in the Purchaſe of other Lands, Tenements, or Hereditaments, in Places moſt convenient for the Parties intereſted, their Heirs and Succeſſors; any Law, Statute, or Cuſtom, to the Contrary thereof notwithſtanding: And the Eſtate or Eſtates, ſo to be purchaſed, ſhall be conveyed and ſettled to the ſame Uſes, Intents, and Purpoſes, as the former Eſtates were ſettled, at ſuch Time as they became veſted in the Truſtees appointed by the ſaid recited Act; and that until ſuch Purchaſes can be made, it ſhall and may be lawful for ſuch Impropriator, Appropriator, Parſon, Vicar, Mayor, Bailiff, or other Chief Officer, of ſuch Body Politick or Corporate, Guardians and Truſtees, to place ſuch Monies out at Intereſt on Parliamentary Funds, or other good Securities, declaring the Truſt thereof, in the ſame Manner as the Eſtate or Eſtates ſo to be purchaſed are to be conveyed and ſettled; and the Intereſt thereof ſhall, from Time to Time, as the ſame ſhall grow due, be paid to the ſeveral and reſpective Parties who would be reſpectively intitled to the Rents and Profits of the Eſtate or Eſtates ſo to be purchaſed, in caſe the ſame were purchaſed.

that to Infants, &c. to be paid to the Guardians or Truſtees;

and to be laid out in the Purchaſe of other Lands, &c.

to be ſettled to the ſame Uſes;

and till ſuch Purchaſes be made, the Monies are to be placed out in the Publick Funds, &c.

and the Intereſt to be paid to the reſpective Parties.

## *Anno* 6° Geo. III. Cap CII.

*An Act to enable the principal Officers and Commiſſioners of His Majeſty's Navy to carry into Execution certain Articles of Agreement made for a Leaſe of Ground, for the Improvement of His Majeſty's Dock Yard at* Plymouth.

Preamble recites the Will of Sir *William Morrice*, dated 5th *Dec.* 1744.

RECITES the Will of Sir *William Morrice*, dated the 5th *December*, 1744, who thereby gave and deviſed all his Manor, Lordſhip, Advowſon, and Rectory of *Stoke Damerell*, in the County of *Devon*, and all his Lands and Hereditaments in the ſaid Pariſh, unto Truſtees therein named, for Two-hundred Years, without Impeachment of Waſte upon Truſt by and out of the Rents and Profits, or by Sale or Mortgage of the Premiſes, or otherwiſe, to raiſe and levy One Moiety of ſuch Debts, Legacies, and Annuities as are therein mentioned; and he alſo gave and deviſed other Manors, Lands, and Hereditaments, in the Counties of *Devon* and *Cornwall*, therein particularly mentioned, unto his Kinſman *Humphry Morrice*, and *Nicholas Morrice*, for their reſpective Lives ſucceſſively, and to their Firſt and other Sons ſucceſſively, in Tail Male, with Remainders over; and he gave and deviſed all his Manors and real Eſtates whatſoever, in the Counties of *Devon* and *Cornwall*, or elſewhere, in *England*, not therein before particularly deviſed, unto Truſtees therein named, for a Term of Two hundred Years, upon Truſt, to raiſe and levy the other Moiety of ſuch Debts, Legacies, and Annuities, as therein mentioned; and after the Determination of the ſaid Term, unto *John Moleſworth*, and *William Moleſworth*, and Sir *John Saint Aubyn*, ſucceſſively, for their reſpective Lives, and to their Firſt and other Sons, in Tail Male, with Remainders over: Proviſo, impowering the ſeveral Perſons therein named, (as they ſhould be reſpectively ſeiſed of the ſaid Manor, Lands, and Premiſes, which at his Death ſhould be, and uſually had been, letten upon Fines, for the Term of Twenty-one Years, for the Life or Lives of One, Two, or Three Perſons), to demiſe, leaſe, and grant any Part

Part of the ſaid Manor and Premiſes, for the Term of Twenty-one Years, or Three Lives; that the ſaid Sir *John Saint Aubyn* had Iſſue One Son, an Infant; and the ſaid *John Moleſworth*, then Sir *John Moleſworth* Baronet, had Two Sons, who were both Infants; that the principal Officers and Commiſſioners of His Majeſty's Navy had, on Behalf and for the Service of His Majeſty, propoſed to the ſaid Sir *John Saint Aubyn* to take a Leaſe of a Parcel of waſte Ground, lying near His Majeſty's Dock Yard, in the Pariſh of *Stoke Damerell*, for a Term of Twenty-one Years, at the yearly Rent of 60 *l.* and by Articles of Agreement, indented, bearing Date the 16th *February* 1765, made between the principal Officers and Commiſſioners of His Majeſty's Navy, on Behalf of His Majeſty of the One Part, and the ſaid Sir *John Saint Aubyn* of the other Part, it was agreed between the Parties, that the ſaid Sir *John Saint Aubyn* ſhould, at the Coſts and Charges of His Majeſty, apply for an Act of Parliament, to enable him to grant a Leaſe of the Premiſes, upon the Terms in the ſaid Agreement ſtipulated.

Sir *John St. Aubyn* authoriſed to Leaſe for 21 Years certain waſte Grounds, &c.

It is enacted, That it ſhall and may be lawful to and for the ſaid Sir *John Saint Aubyn*, at any Time or Times then after, during his Life, by Indenture, to demiſe, leaſe, or grant all that Piece or Parcel of waſte Ground, leading from the Eaſt Side of the Wall of His Majeſty's ſaid Dock or Yard to the Weſt Hedge or Gate of a certain Field, being Part of the *Barton* of *Mountwiſe*, in the ſaid Pariſh of *Stoke Damerell*, called *Gadgers Hill*, and being Part of and compriſed within ſeveral Fields of and belonging to the ſaid Barton of *Mountwiſe*, called or known by the Names of *Gadgers Hill*, *Higher Kelly Parks*, and *Lower Kelly Parks*, containing together, by Eſtimation, Six Acres, One Rood, and Thirteen Perches; all which ſaid Pieces or Parcels of Ground and Premiſes are bounded with the Wall of His ſaid Majeſty's Dock Yard, and the Banks of the Clifts, on the Weſt and North Weſt, with the Pale of certain Parcels, of the ſaid Fields called *Higher* and *Lower Kelly Parks*, lately purchaſed by His Majeſty's Board of Ordnance, on the South, and other Part of

the ſaid Fields, called *Gadgers Hill*, on the Eaſt; and alſo all thoſe ſeveral Pieces or Plots of waſte Ground, lying under the Clifts, on the Weſt Side of the ſaid Field, called *Higher Kelly Parks*, ſo far as the ſame extend towards Low-water Mark, containing together, by Eſtimation, Two Acres, One Rood, and Twenty Perches; which ſaid Grounds and Premiſes are more particularly delineated and deſcribed in a Plan or Ground Plot to the ſaid Articles annexed, with their Appurtenances, unto *William* Lord Viſcount *Barrington*, and others, their Executors, Adminiſtrators, and Aſſigns, or to the principal Officers and Commiſſioners of His Majeſty's Navy for the Time being; to hold for Twenty-one Years, to commence and take Effect from the making ſuch Leaſe or Leaſes, at the yearly Rent of 60 *l.* payable Quarterly, with other Covenants as therein is mentioned.

to *William* Lord Viſcount *Barrington*, and others, or to the principal Officers and Commiſſioners of the Navy for the Time being, at 60 *l. per Annum*, payable Quarterly.

A new Road to be made from *Dock Town*, to *Mutton Cove*, at the Expence of the Crown.

That the Commiſſioners of His Majeſty's Navy ſhall, at the Coſts and Charges of His ſaid Majeſty, make a New Road or Way from the ſaid Town, called *Dock Town*, to *Mutton Cove* aforeſaid, through Part of the ſaid Lands and Grounds purchaſed by, and ſold and diſpoſed of, to His Majeſty's Board of Ordnance, and other the Lands and Grounds of the ſaid Sir *John Saint Aubyn*; which Road was to be common to all Perſons, Inhabitants of the ſaid Town, called *Dock Town*, as well on Foot as on Horſeback, or with Coaches, Carts, and Carriages.

# Gunpowder.

*Anno* 21° Jac. I. Cap. III.

*An Act concerning Monopolies*, &c.

## SECT. X.

Letters Patent that concern the making of Saltpetre, Gunpowder, Ordnance Shot, &c. ſaved.

THIS Act againſt Monopolies ſhall not extend to any Grant of Privilege, for printing, digging, or making, or compounding of Saltpetre, for Gunpowder, or caſting or making of Ordnance, or Shot for Ordnance.

*Anno* 16° Car. I. Cap. XXI.

*An Act for the free bringing in of Gunpowder and Saltpetre from foreign Parts, and for the free making of Gunpowder in this Realm.*

## SECT. II.

Liberty to all to import Gunpowder.

ENACTED, That it ſhall be lawful for all Perſons, as well Strangers as natural-born Subjects, to import and bring into this Kingdom any Quantities of Gunpowder, paying ſuch Cuſtoms for the ſame, as by Authority of Parliament ſhall be limited.

All Subjects may make and ſell Gunpowder, and import Saltpetre.

SECT. III. That it ſhall be lawful for all His Majeſty's Subjects of *England* to make and ſell any Quantities of Gunpowder at their Will and Pleaſure; and alſo to import any Quantities of Saltpetre, Brimſtone, or any other Materials neceſſary for the making of Gunpowder.

Penalty for putting in Execution Letters Patent, Proclamations, &c. againſt this Liberty.

SECT. IV. That if any Perſon or Perſons, from and after 10th *Auguſt*, 1641, ſhall put in Execution any Letters Patent, Proclamation, Edict, Act, Order, Warrant, Reſtraint, or other Inhibition, whereby the Importation of Gunpowder, Saltpetre, Brimſtone, &c. from foreign

Parts ſhall be any way prohibited, that then the ſaid Perſon and Perſons ſo offending ſhall incur the Pain and Penalties and Forfeitures contained in the Statute of Proviſion and Premunire made in 16 *Rich.* II.

*Vide* 1 *Jac.* II. *cap.* 8.

---

*Anno* 12° Car. II. Cap. IV.

*Act of Tonage and Poundage.*

SECT. X. and XI.

Gunpowder may be exported at a certain Price.

IT ſhall be lawful to tranſport Iron, Armour, Bandeliers, Bridle Bits, Halbert Heads and Sharps, Holſters, Muſkets, Carbines, Fowling Pieces, Piſtols, Swords, or Rapier Blades, Saddles, Snaffles, Stirrups, *&c.* and Gunpowder, when it doth not exceed the Price of 5 *l. per* Barrel, paying the Rates appointed by this Act, and no more.

The King may prohibit the Tranſportation of Gunpowder, *&c.*

SECT. XII. The King, by Proclamation, may prohibit the Tranſportation of Gunpowder, or any Ammunition, confirmed by 13 *Car.* II. *c.* 7. which is an Act for confirming Publick Acts.

---

*Anno* 1° Jac. II. Cap. 8.

*An Act againſt the Importation of Gunpowder, Arms, and other Ammunition and Utenſils of War.*

SECT. II.

None ſhall import Gunpowder, *&c.* without Licence, upon Forfeiture of Goods imported and Treble the Value; One Moiety to the King, and the other to the Proſecutor.

IT ſhall not be lawful, without Licence from the King, to import, by way of Merchandiſe, Gunpowder, Arms, Ammunition, or Utenſils of War, on Pain to forfeit the ſame, and the Importer, or they in whoſe Cuſtody ſuch Gunpowder, *&c.* ſhall be found, ſhall forfeit Treble the Value thereof; One Moiety to the King, and the other Moiety to the Proſecutor.

SECT. III.

SECT. III. If any ſhall obtain Letters Patent for the ſole making or importing Gunpowder, Arms, *&c.* and put the ſame in Execution, or ſhall obtain any Letters Patent for the importing Gunpowder, Arms, *&c.* by way of Merchandiſe, other than for furniſhing the King's Publick Stores, ſuch Offender ſhall ſuſtain the Pains, Penalties, *&c.* of the Statute of Premunire, made *Anno* 16 *Rich.* II. and be diſabled to hold any Office or Employment under His Majeſty; and ſuch Letters Patent ſhall be void, any Clauſe of *Non-obſtante*, or other Proviſion therein notwithſtanding.

Perſons offending againſt this Act incur a Premunire, *&c.*

---

*Anno* 5° & 6° Will. & Mar. Cap. XVI.

*An Act for the Importation of Saltpetre for One Year.*

SECT. I.

IT ſhall be lawful for any Their Majeſties Subjects to import and bring Saltpetre into this Kingdom from any Place or Country now in Amity with Their Majeſties, for the Space of One Year, from 25th *March* 1694.

Saltpetre importable for One Year;

Provided ſuch Saltpetre be brought in ſuch Ships or Veſſels only as are *Engliſh* built, and no other.

to be imported in *Engliſh* Ships, *&c.*

SECT. II. Provided, That no Perſon importing Saltpetre by virtue of this Act, nor any Retailer, ſhall ſell any Part of the Saltpetre to be imported at above the Price of 70 *l. per* Ton, not exceeding 18 *l. per Cent.* Refraction, upon the Penalty of 50 *l. per* Ton.

Penalty of 50 *l.* upon Saltpetre ſold for above 70 *l. per* Ton.

Provided, That the Saltpetre which ſhall be imported by virtue of this Act ſhall pay to Their Majeſties the ſame Duty as if the ſame were directly imported from the *Eaſt Indies*.

The Duty the ſame as from the *Eaſt Indies*.

SECT. III. If any Perſon ſhall mingle any Saltpetre, imported by virtue of this Act, with any other Saltpetre, and ſell the ſame ſo mingled at or above the Rate of 70 *l. per* Ton, or ſhall, by way of Barter or Exchange, take, or agree to take, any other Commodity for Saltpetre imported by virtue

Selling mixt Saltpetre, *&c.* at above 70 *l. per* Ton, judged a Sale contrary to this Act.

virtue of this Act, (whether by itſelf or mingled with other Saltpetre,) in any Manner, ſo as to have or receive for the ſame more than the Rate of 70 *l.* *per* Ton, according to the Commodity ſo taken in Exchange, at the then Current Price that the Sale of ſuch Saltpetre, *&c.* mingled, and alſo ſuch Barter or Exchange, ſhall be conſtrued and taken to be a Sale contrary to this Act.

---

*Anno* 5° Geo. Cap. XXVI.

*An Act for preventing the Miſchiefs which may happen by keeping too great Quantities of Gunpowder in or near the Cities of* London *and* Weſtminſter, *or the Suburbs thereof.*

SECT. I.

After the 1ſt *Auguſt* 1719, no more than Six hundred Pound of Gunpowder ſhall be kept in any Storehouſe, *&c.* in *London, Weſtminſter*, &c.

ENACTED, That after the 1ſt *Auguſt* 1719, it ſhall not be lawful for any Perſon to keep more than Six hundred Pounds of Gunpowder, each Hundred containing Five Score Pounds neat Weight, at a Time, in any Storehouſe or other Place in either of the Cities of *London* and *Weſtminſter*, or Suburbs thereof, or within Three Miles of the Tower of *London*, or of the Palace of *St. James*, or within Two Miles of any Magazine now erected for keeping Gunpowder for His Majeſty.

Two Juſtices may ſummon and examine Perſons upon Oath, and commit upon Refuſal to be examined, without Bail, till they conform, and cauſe the ſame to be removed.

SECT. II. Any Two Juſtices may ſummon and examine any Perſon upon Oath, and if he refuſes, may commit, without Bail: If, upon Examination, or by the Oaths of Two Witneſſes, it ſhall appear that he hath more than Six hundred Pounds of Gunpowder, Juſtices ſhall cauſe him to remove it; if he refuſes after Twenty-four Hours Notice, he forfeits 20 *s.* for every Hundred Weight to any Perſon who ſhall ſue for the ſame, within Six Calendar Months, with full Coſts of Suit, *&c.*

Penalty of 20 *s.* for every Hundred Pounds to the Informer.

Two Juſtices may iſſue Warrants for ſearching any Storehouſe, *&c.*; Perſon, oppoſing forfeit 5 *l.*

SECT. III. Any Two Juſtices may iſſue Warrants for ſearching Storehouſes, *&c.* Perſons oppoſing Search, forfeits 5 *l.* and if more than Six hundred Pounds ſhall be found,

found, Juſtices ſhall cauſe the ſame to be carefully removed at the Charge of the Owner or Perſon in whoſe Cuſtody it is, to be levied on his Goods and Chattels.

Above Two hundred Weight of Gunpowder ſhall not be carried at a Time in the Streets of *London*, &c. and ſhall be in covered Carts, and Barrels put in Bags, or Caſes of Leather; if otherwiſe carried, forfeited to the Perſon ſeizing the ſame.

SECT. IV. No Perſon ſhall carry through *London*, or *Weſtminſter*, more than Two hundred Pounds of Gunpowder at a Time, and it ſhall be carried in covered Carriages, and the Barrels cloſe jointed and hooped, and put into Bags of Leather or Canvas; and Gunpowder carried by Man or Horſe, ſhall be put into ſuch Caſes, and entirely covered therewith, ſo as no Gunpowder be ſcattered in the Paſſage; and all Gunpowder carried otherwiſe, or in greater Quantities, ſhall be forfeited, and may be ſeized by any Perſon to his own Uſe and Benefit, the Offender being convicted before Two Juſtices.

Not to extend to the King's Storehouſes.

SECT. V. This Act ſhall not extend to affect any Storehouſe or Magazine belonging to the King, wherein Gunpowder or other Stores ſhall be kept for the Uſe of the Publick; or to hinder the proving or trying of Gunpowder by His Majeſty's Officers as uſual; or to the carrying of Gunpowder to or from His Majeſty's Garriſons, or with Forces in their March.

Perſons ſued may plead the General Iſſue.

SECT. VI. If any Suit be proſecuted for any Thing done in purſuance of this Act, the Perſon proſecuted may plead the General Iſſue, *&c.* and ſhall recover Treble Coſts.

Actions to be laid in the proper County, and brought within Six Months.

SECT. VII. All Suits and Proſecutions ſhall be laid and tried in the County where the Fact was committed, and ſhall be commenced within Six Calendar Months after the Fact committed, and not otherwiſe.

Juſtices for *Eſſex*, *Kent*, and *Surrey*, may, in their Seſſion, appoint proper Places on which any Perſon may erect Warehouſes, firſt agreeing with the Owners.

SECT. VIII. Juſtices of the Peace for *Eſſex*, *Kent*, and *Surrey*, ſhall, at their General Quarter Seſſion, appoint ſome proper Plot of Ground out of the Limits aforeſaid, not exceeding Two Acres in any one Place, being ſituate in the ſaid Counties, and adjacent to or near the *Thames*, on which Ground any Perſon may erect Warehouſes for keeping Gunpowder, firſt agreeing with the Proprietors of the ſaid Ground for the ſame; and if any Proprietor ſhall not agree, or by reaſon of any Diſability or Impediment

Owners refuſing or diſabled to agree, Juſtices to impanel a Jury, to enquire into the Value of the Ground, and their Decrees thereupon ſhall be final.

cannot, the Juſtices of the ſaid Counties reſpectively ſhall, at their General Quarter Seſſions, iſſue their Warrants to the Sheriffs of the ſaid Counties to return a Jury, who on their Oaths ſhall inquire into the true Value of the ſaid Plots of Ground; and all ſuch Verdicts and Inquiſitions ſhall be kept with the Records of the Seſſions, and the Judgements and Decrees of the Juſtices ſhall be final and concluſive to all Parties: And to that End the Juſtices may ſend for any Perſons intereſted, and examine any Parties or Witneſſes upon Oath, and the Sum to be adjudged as aforeſaid, not exceeding Thirty Years Purchaſe, ſhall be paid to the Proprietors of the Ground; and on ſuch Payment, or Refuſal to accept the ſame, then, on leaving the ſame with the Juſtices, for the Benefit of ſuch Proprietor, the Inheritance ſhall be veſted in the Purchaſer, his Heirs and Aſſigns; and the Warehouſes aforeſaid, and all others for Gunpowder, erected on or near the *Thames*, ſhall be built and ſecured in ſuch Manner as ſhall be preſcribed by the principal Officers of the Ordnance.

Money aſſeſſed to be paid to the Owners, or to be left with the Juſtices, on Refuſal, and the Inheritance to be veſted in the Purchaſers.

The Warehouſes to be built according to the Direction of the Officers of the Ordnance.

Leaſes of Warehouſes in *London*, &c. ſhall be void, if deſired.

SECT. IX. All Leaſes, *&c.* entered into of any ſuch Warehouſes, *&c.* within the Cities and Suburbs of *London* and *Weſtminſter*, ſhall, if the Leſſees deſire it, after the 1ſt *Auguſt* 1719, be null and void.

This Act not to diſcharge any Rent due before 25th *March* 1719.

SECT. X. Provided, That nothing herein ſhall diſcharge any Rent due on or before the 25th *March* 1719, or any Demand for Breach of Covenant before that Time.

*Anno*

## *Anno* 11° Geo. I. Cap. XXIII.

*An Act for making more effectual an Act, paſſed 5th* Geo. I. intituled, *An Act for preventing the Miſchiefs which may happen by keeping too great Quantities of* Gunpowder *in or near the Cities of* London *and* Weſtminſter, *or the Suburbs thereof.*

### SECT. I.

ENacted, That after the 1ſt *June* 1725, it ſhall not be lawful to keep within the Limits deſcribed in the Act, 5th *Geo.* I. *cap.* 26. more than Two hundred Pounds of Gunpowder in any Places under the ſame Roof, or in any Yards, for more than Twenty-four Hours, on Pain of forfeiting all ſuch Gunpowder, and the Value thereof, with Coſts, to any Perſon other than Perſons intereſted in ſuch Gunpowder, who will ſue for the ſame, by Action, *&c.* in any of the Courts at *Weſtminſter*; provided ſuch Suit be commenced within Six Calendar Months after ſuch Forfeiture incurred.

After the 1ſt *June* 1725, none to keep more than Two hundred Pound Weight of Gunpowder in any one Place in *London* or *Weſtminſter*, &c. for more than Twenty-four Hours.

SECT. II. The Juſtices of Peace authoriſed by the ſaid Act, 5th *Geo.* I. *cap.* 26. to iſſue their Warrants to ſearch after Gunpowder, ſhall, on Demand being made by any Pariſh Officer, or any Two Houſeholders, Inhabitants within the ſaid Limits, aſſigning a reaſonable Cauſe for the ſame, iſſue ſuch Warrants *gratis*; and it ſhall be lawful for the Searchers, or Perſons finding the ſame, immediately to ſeize, and within Twelve Hours to amove all ſuch Gunpowder found within the ſaid Limits, exceeding the Quantity allowed by the Act; and every Perſon wilfully obſtructing ſuch Seizure or Removal ſhall forfeit to the Informer 5 *l.*; to be recovered as aforeſaid with Coſts.

Juſtices to iſſue Warrants *gratis* to ſearch.

The Searchers, within Twelve Hours to amove all ſuch Gunpowder.

SECT. III. If any Perſon ſhall uſe any Iron Hammer, or any Hammer ſhod or plated with Iron or Steel, in any ſuch Place while any Gunpowder is there, the Offender, being thereof convicted by the Oath of One Witneſs before a Juſtice of Peace within the ſaid Limits, ſhall forfeit 20 *s.* to the Informer; to be levied, in caſe of Nonpayment, by Diſtreſs and Sale of Goods, by Warrant of any ſuch Ju-

Working with Iron Hammers in ſuch Warehouſes forfeits 20 *s.*

ſtice, and for Want of Diſtreſs ſuch Offender ſhall be ſent by ſuch Juſtice to the Houſe of Correction, to be kept to hard Labour for any Time not exceeding One Month, nor leſs than Fourteen Days.

Not to affect any Magazine belonging to the Crown, &c.

SECT. IV. This Act ſhall not extend to affect any Magazine belonging to the King, where Gunpowder or other Stores ſhall be kept for the Uſe of the Publick; or hinder the proving or trying of Gunpowder by His Majeſty's Officers, as uſual; or to the carrying of Gunpowder to any of His Majeſty's Magazines, or with Forces in their Marches.

General Iſſue.

SECT. V. If any Suit be commenced for any Thing done in purſuance of this Act, the Defendant may plead the General Iſſue, &c. and recover Treble Coſts.

Treble Coſts.

Act 5 *Geo.* I. not hereby altered, to be in Force.

Publick Acts.

SECT. VI. The Act 5 *Geo.* I. *cap.* 26. ſhall be in Force, and the ſaid Act, and this Act, ſhall be Publick Acts.

---

*Anno* 4° Geo. II. Cap. XXIX.

*An Act for granting an Allowance upon the Exportation of* Britiſh-*made Gunpowder.*

RECITES, That the Wealth and Proſperity of this Kingdom doth ever much depend upon the Improvement of its Manufactures, and the profitable Trade carried on by Exportation of the ſame, which Trade ought by all proper Means to be encouraged for the Enlargement of the Commerce of *Great Britain:* And that the Exportation of Gunpowder to Foreign Parts has of late Years conſiderably decreaſed, by reaſon of the Duties payable upon the Importation of Saltpetre and Brimſtone, the principal Ingredients uſed for making the ſame: And that His Majeſty's Trading Subjects, from the Greatneſs of the Price of Gunpowder made here, are obliged to furniſh themſelves at Foreign Markets, in order to carry on their Trade to *Africa*, and other Parts beyond the Seas, to the great Prejudice and Diſcouragement of the ſaid Manufacture:

It

It is enacted, That there ſhall be paid to every Perſon or Perſons, who, at any Time or Times within or during the Term of Five Years, from the 24th *June* 1731, or at any Time or Times before the End of the next Seſſion of Parliament, ſhall really and truly export out of this Kingdom, by way of Merchandiſe, any Quantities of Gunpowder of the Manufacture of *Great Britain*, an Allowance of 4 *s.* 6 *d.* for every Barrel of ſuch Gunpowder, containing One hundred Pounds nett Weight, and ſo in proportion for greater or leſs Quantities; which Allowance ſhall be paid and anſwered by the Cuſtomer or Collector of the Cuſtoms, with the Privity of the Comptroller of the Port from whence the ſame ſhall be exported, on a Debenture, to be made forth by the Cuſtomer or Collector according to the Entry of ſuch Gunpowder, without Fee or Reward, and the Shipping thereof verified by the Searcher; and Oath, or being Quakers, Affirmation, made by the Exporter, on the Entry or Debenture, before the Cuſtomer or Collector or Comptroller of ſuch Port, that the ſaid Gunpowder is of the *Britiſh* Manufacture, and is exported, or intended to be exported, to Parts beyond the Seas, by way of Merchandiſe, and not for the Uſe of the Ship in her Voyage, and not relanded, or intended to be relanded in any Part of *Great Britain*, the Exporter firſt giving Security to the ſaid Cuſtomer or Collector of the Port in the Penalty of 5*l.* for each Barrel, containing One hundred Pounds nett Weight, (which Security they are impowered to take, in the Name, and to the Uſe of, His Majeſty, His Heirs and Succeſſors), that the Gunpowder ſo ſhipped, or intended to be ſhipped, or any Part thereof, ſhall not be relanded or brought on Shore again into any Port or Part of *Great Britain*, and ſuch Securities ſhall be diſcharged in the Manner therein mentioned, *viz.* for ſo much of the ſaid Gunpowder as ſhall be entered for or landed in the Kingdom of *Ireland*, the Iſlands of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*, or any other of His Majeſty's Colonies or Plantations abroad; the Condition of the Bond ſhall be to bring Certificates in Diſcharge thereof from each Place reſpectively, importing, that ſuch Gunpowder was there landed, and teſtifying the

An Allowance of 4 *s.* 6 *d.* *per* Barrel for *Britiſh* Gunpowder exported as Merchandiſe,

to be paid by the Cuſtomer.

The Exporter to give Security not to reland it.

Security how to be discharged.

Landing thereof; which Certificate ſhall be ſigned by the proper Officer or Officers of His Majeſty's Cuſtoms as reſide there, and for want of ſuch Officers reſiding there, then by the Governor of thoſe Iſlands and Colonies, or Plantations, or the Deputy Governor thereof reſpectively, who are required to give the ſame without Fee or Reward; and for ſuch Gunpowder as ſhall be ſo entered for any Foreign Port or Place, to bring a Certificate, under the Hand of any of His Majeſty's Conſuls reſiding in ſuch Port or Place, or under the Hands of Two known *Britiſh* Merchants, then being at ſuch Port or Place, that ſuch Gunpowder was there landed; or ſuch Bonds ſhall be diſcharged upon Proof in either of the ſaid Caſes, that the ſame was taken by Enemies, or periſhed in the Seas, the Examination and Proof thereof being left to the Judgement of the Commiſſioners of the Cuſtoms in *England* or *Scotland* for the Time being.

Gunpowder exported for *Africa*.

Further recites, That if Gunpowder exported for *Africa* is ſold in ſmall Parcels, and at Places along the Coaſt where no Certificates can be had, it is further enacted, That in every ſuch Caſe, upon Proof on Oath, or Affirmation, of the Maſter, Mate, Purſer, or other Perſon having the Charge of the Ship during the Voyage, importing, that ſuch Gunpowder was ſold and delivered upon the Coaſt of *Africa*, and alſo upon the Oath or Affirmation as aforeſaid of the Merchant Exporter, if living, that, to the beſt of his Knowledge and Belief, the ſaid Goods have been diſpoſed of at the Places to be mentioned in the reſpective Oaths or Affirmations aforeſaid, and that they have not been relanded or brought on Shore again in any Port or Ports of *Great Britain*, the ſame ſhall be taken in lieu of the Certificates aforeſaid, and be allowed of in full Diſcharge of the Bonds to be given in purſuance of this Act.

Penalty for relanding.

Further enacted, That if any Gunpowder ſhipped to be exported, for which Allowance is made, ſhall be relanded or unſhipped in any Port or Place in *Great Britain*, contrary to the Meaning of this Act, without the Licence of One or more of the principal Officers of ſuch Port or Place firſt had, or unleſs it be in caſe of Diſtreſs to ſave

the

the Gunpowder from periſhing, which ſhall be forthwith made known to One or more of the ſaid Officers, the ſaid Gunpowder, over and above the Penalty of the ſaid Bond, to be levied and recovered to His Majeſty's Uſe as aforeſaid, and Treble the Value of ſuch Gunpowder, ſhall be forfeited and loſt.

Allowance to be paid by the Cuſtomer.

That the ſaid Allowance ſhall be forthwith paid by the reſpective Cuſtomer or Collector out of any Money in his Hands ariſing from Cuſtoms or other Duties upon Goods imported from Parts beyond the Seas; and the Money ſo paid ſhall be accepted of in his or their Account as ſo much paid to His Majeſty, and be diſcharged thereof accordingly.

When Duties on Importion of Saltpetre and Brimſtone ſhall be redeemed, Allowance for Gunpowder to be abated.

Provided, That in caſe any of the Duties payable upon the Importation of Saltpetre and Brimſtone, ſhall, during the Continuance of this Act, be redeemed, or otherwiſe ceaſe to be payable, ſo much of the Allowance to be made on the Exportation of Gunpowder ſhall be abated as ſhall bear a Proportion to the Duties ſo redeemed, or that ſhall ceaſe to be payable on the Importation of Saltpetre and Brimſtone.

Penalties how to be levied.

That the Penalties in this Act mentioned ſhall and may be proſecuted and determined by Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, or in the Court of Exchequer at *Edinburgh*, wherein no Eſſoin, Protection, Privilege, Wager of Law, or more than One Imparlance, ſhall be allowed, One Moiety to the King, and the other to the Proſecutor.

General Iſſue.

That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, the Defendant or Defendants in ſuch Action or Suit may plead the General Iſſue, and give this Act in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance thereof; and if it ſhall appear ſo to have been done, the Jury ſhall find for the Defendant or Defendants; and if the Plaintiff ſhall be nonſuited, or diſcontinue the Action after Appearance, or if Judgement ſhall be given upon any Verdict or Demurrer againſt the Plaintiff, the Defendants ſhall and may recover Treble Coſts, and have the like

Treble Coſts.

like Remedy for the ſame, as Defendants have in other Caſes by Law.

By Act 10 *Geo.* II. the above Act 4 *Geo.* II. for granting an Allowance upon the Exportation of *Britiſh*-made Gunpowder is continued for Seven Years.

---

*Anno* 15° & 16° Geo. II. Cap. XXXII.

*An Act for preventing the Miſchiefs that may happen by keeping dangerous Quantities of Gunpowder in or near the Cities of* London *and* Weſtminſter.

5 *Geo.* I. *c.* 26. 11 *Geo.* I. *c.* 23.

WHEREAS by an Act, paſſed 11 *Geo.* I. for making more effectual an Act, paſſed in the Fifth Year of the ſame Reign, intituled, *An Act for preventing the Miſchiefs which may happen by keeping too great Quantities of Gunpowder in or near to the Cities of* London *and* Weſtminſter, *or the Suburbs thereof*, no Perſon ſhould keep above Two hundred Pounds Weight of Gunpowder at a Time within any Place under one Roof, or in any Yard, within the Cities of *London* and *Weſtminſter*, or within Three Miles of the Tower of *London* or *Saint James*'s Palace, or within Two Miles of any Publick Magazine, longer than Twenty-four Hours, on Forfeiture of the Gunpowder, or the Value; but Dealers ſtill keep as large and dangerous Quantities as uſual, and by ſeveral Methods evade the Act; and though the Juſtices have Power to ſeize ſuch dangerous Quantities, they cannot detain them, and the Owners immediately demand the ſame again, and maintain an Action at Law for the Recovery thereof, though it be not detained an Hour, whereby the good Intentions of the Act are defeated, to the great Danger of the Publick Safety; to prevent which, it is now enacted,

Perſons not Dealers to keep but Fifty Pounds Weight of Gunpowder, Dealers no more than Two hundred Pounds Weight, longer than Twenty four Hours.

That after the 24th Day of *July* 1742, no Perſons, not being Dealers in Gunpowder, ſhall keep more than Fifty Pounds Weight within the Limits aforeſaid, or being Dealers, not more than Two hundred Pounds Weight, longer than Twenty-four Hours, though the Places be diſpoſed under different Roofs,

Roofs, or on the River *Thames*, except in Ships, &c. paſſing, or detained by Tides or bad Weather; except alſo Carts and other Carriages loading or unloading, or paſſing on the Highway, on Pain of forfeiting all ſuch Gunpowder, and the Value, with full Coſts of Suit, to any Perſons who will inform and ſue for the ſame, in any Court of Record at *Weſtminſter*, who ſhall give Special Judgement in ſuch Actions, as well to recover the Gunpowder in Specie as the Value, beſides Coſt; and to award effectual Execution, the Suit being commenced within Thirty Days, and proſecuted without Delay.

nor on the *Thames*, except in Ships, &c. paſſing or repaſſing, or detained by Tides or bad Weather, or Carriages loading or unloading, or paſſing on the Highways.

Penalty.

Action to be commenced within Thirty Days.

Any Juſtice within the ſaid Limits, on Demand by any Inhabitant, ſhewing a reaſonable Cauſe, may iſſue his Warrant to ſearch, in the Day-time, for dangerous Quantities of Gunpowder, and break open any Places if there be Occaſion; and whatever Seizures are made, may be removed within Twelve Hours out of the ſaid Limits, and detained, till it be determined in One of the Courts at *Weſtminſter* whether the ſame ſhall be forfeited by virtue of this Act, and the Perſons ſo detaining the ſame ſhall not be liable to any Action for keeping it till the Property be determined.

Any Juſtice to iſſue ſearch Warrants.

Officers to break open Warehouſes, &c. if there be Occaſion,

and ſeize and move unlawful Quantities, in Twelve Hours, and detain the ſame, till the Property be determined by a Court of Record at *Weſtminſter*.

Perſons permitting others to keep Gunpowder in any Places not belonging to the Owners of ſuch Gunpowder, ſhall forfeit, for every Offence, One Shilling, for every Pound of Gunpowder ſo permitted to be kept contrary to the Meaning of this Act, to be recovered, as aforeſaid.

Penalty on Perſons permitting Gunpowder to be lodged with them, not being the Owner.

Provided, That no Perſon intereſted in ſuch Gunpowder, or by Colluſion with the Owners, ſhall maintain any Information on this Act.

Proviſo.

In Actions commenced or proſecuted againſt Perſons for any Thing done in purſuance of this Act, they may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence; and if a Verdict paſs for the Defendants, or if the Plaintiff is nonſuited, or diſcontinue his Action, or on Demurrer Judgement is given againſt the Plaintiff, the Defendant ſhall have Treble Coſts, and have the like Remedy as any Defendants have in other Caſes by Law.

General Iſſue.

Treble Coſts.

This

This Act not to affect Publick Storehouſes or Magazines.

This Act ſhall not affect any Publick Storehouſe or Magazine; or to hinder the proving Gunpowder by His Majeſty's Officers, as uſual; or the carrying Gunpowder to or from any of His Majeſty's Magazines, or with Forces in their Marches.

The recited Acts to be in Force, as well as this Act.

The recited Acts, and all Clauſes not hereby altered, ſhall be of full Force, and ſhall be put in Execution, notwithſtanding the making this Act.

---

## *Anno* 22° Geo. II. Cap. XXXVIII.

*An Act to prevent the Miſchiefs which may happen by keeping too great Quantities of Gunpowder in any one Place, or carrying too great Quantities of Gunpowder together, from one Place to another.*

No Perſons to keep for more than Twenty-four Hours, above Four hundred Pound Weight of Gunpowder near any City,

nor above Three hundred Pound Weight in any Place.

AS great Quantities of Gunpowder are frequently lodged in Warehouſes, or other Edifices, within or near to Cities and Market Towns, to the apparent Danger of the Lives and Fortunes of many Thouſands of His Majeſty's Subjects: For preventing the Miſchiefs which may happen thereby, or from carrying too great Quantities of Gunpowder together from one Place to another, it is enacted, That from and after the 24th *June* 1749, no Perſon ſhall have or keep Gunpowder for more than Twenty-four Hours at any one Time, in greater Quantities than Four hundred Pounds Weight in any Houſe or other Place in any City, or the Suburbs thereof, or in any Market Town, or within One hundred Yards Diſtance thereof, within *England*, or within Two Miles of any of the King's Palaces or Houſes of Reſidence, or within One Mile of any of the King's Magazines for keeping Gunpowder; nor ſhall any Perſon keep, for more than Twenty-four Hours at any Time, a greater Quantity than Three hundred Pounds Weight thereof in any Houſe or other Place within *England*, except as herein-after excepted.

From and after the ſaid 24th *June*, any Two Juſtices for the County or Place, upon Demand made, and a reaſonable Cauſe aſſigned for ſuch Demand by any Pariſh Officer, or Two or more Houſeholders inhabiting within any Pariſh or Place wherein any Gunpowder is kept, ſhall iſſue a Warrant for ſearching, in the Day-time, any Houſe, Shop, or other Place, and breaking open the Door thereof, if there ſhall be Occaſion; and if, upon ſuch Search, more than Four hundred Pound Weight ſhall be found in any Houſe or other Place in any City, or Suburbs thereof, or in any Market Town, or within One hundred Yards Diſtance thereof, or within Two Miles of any of the King's Palaces or Houſes of Reſidence, or within One Mile of any of the King's Magazines for keeping Gunpowder, or more than Three hundred Pound Weight, in any other Place, (except as herein after is excepted), all ſuch Gunpowder, exceeding the reſpective Quantities before mentioned, ſhall be ſeized and forfeited to any Perſon who will inform and ſue for the ſame, by Action, Bill, or Information, in any of the Courts at *Weſtminſter*; which Courts ſhall give Judgement for the Recovery of ſuch Gunpowder in Specie, or for the Value thereof, together with Full Coſts, and ſhall award Execution thereon, provided ſuch Suit be commenced within Three Months after ſuch Forfeiture ſhall be incurred, and proſecuted without wilful Delay; and upon ſuch Seizure, the Searchers may remove ſuch Gunpowder out of the Limits aforeſaid, and detain the ſame, until it be determined whether it ſhall be forfeited by virtue of this Act; and they ſhall not be liable to any Action or Suit for ſeizing or detaining the ſame, except for any Damage ſuch Gunpowder ſhall receive during the Time of its Detention.

Two Juſtices on Application of a Pariſh Officer or Two Houſeholders to iſſue Search Warrants,

and if there ſhall be any greater Quantity found, the ſame to be forfeited.

Full Coſts.

Limitation of Actions.

Upon Seizure, the Gunpowder may be removed, &c.

From and after the ſaid 24th *June*, no Perſon ſhall convey, at any one Time, in any Waggon or other Carriage, within *England*, a greater Quantity of Gunpowder than Twenty-five hundred Weight, or more than Fifty hundred weight, in any open Veſſel upon any River, within the Diſtance of One Mile from any City or Market Town; and all ſuch Gunpowder ſhall, after the Time aforeſaid,

No greater Quantity than Twenty-five hundred Weight to be carried at any one Time in any Land Carriage,

and the Carriages to be covered, and the Barrels close hooped.

be carried in covered Carts and Carriages, and the Barrels in which the ſame ſhall be contained ſhall be cloſe joined and hooped, and ſecured, that no Part thereof be ſcattered in the Paſſage, under the Penalty of being ſeized, and forfeited to the Informer, upon Proof made of the Offence before Two or more Juſtices.

Penalty.

Penalty of Careleſsneſs in Perſons employed where Gunpowder is kept, or in conveying the ſame.

Every Perſon employed in any Storehouſe or Warehouſe where Gunpowder is kept, or in carrying Gunpowder from one Place to another, being convicted before any Juſtice of wilfully committing any Act, whereby ſuch Gunpowder may be in Danger of taking Fire, ſhall forfeit 5 *s.* to the Informer for every One hundred Pound Weight of Gunpowder contained in ſuch Storehouſe, *&c.* or which he ſhall be employed in conveying from one Place to another; and, on Nonpayment thereof, he ſhall be committed to the Publick Gaol, without Bail or Mainprize, for any Time not exceeding Six Months, as ſuch Juſtice ſhall think fit.

Places exempted.

This Act ſhall not extend to any of the King's Storehouſes or Magazines, or to hinder the proving Gunpowder for the King's Officers, as is uſual for the Service, or to the carrying Gunpowder to or from any of the King's Magazines, or with Forces on their March, or to any Mills already built and uſed for the making of Gunpowder, or to any Storehouſes or Offices near to ſuch Mills, or to the Magazines now erected at *Barking Creeks Mouth* in the County of *Eſſex*, and *Erith Level* in the County of *Kent*, or to the Magazines or Warehouſes now erected in *Liverpoole*, in the County of *Lancaſter*.

Quarter Seſſions may appoint Grounds for erecting the Warehouſes for Gunpowder;

The Juſtices for each County, Riding, or Diviſion, within *England*, ſhall, at their reſpective General Quarter Seſſions, upon Application made to them for that Purpoſe, appoint proper and convenient Plots of Ground, at the Diſtance of Two Miles from any City or Market Town, not exceeding Two Acres in any One Place, with the Uſe of convenient Roads leading thereto, for erecting Warehouſes for keeping Gunpowder in any Quantity, firſt agreeing with the Proprietors of the ſaid Grounds for the ſame; and if any ſuch Proprietor ſhall refuſe or neglect to agree, or by reaſon of any Impediment cannot ſo agree, the ſaid Juſtices

at

at their General Quarter Seſſions, ſhall iſſue their Warrant to the Sheriff of that County, to impanel and return a Jury at the Time and Place appointed, who ſhall, upon Oath, (which Oath the ſaid Juſtices are to adminiſter), inquire into the Value of the ſaid Ground, with the Uſe of convenient Roads leading thereto: And all ſuch Verdicts and Inquiſitions ſhall be kept with the Records of the ſaid Seſſions, and ſhall be concluſive to all Parties; and the ſaid Juſtices are impowered to ſend for Perſons intereſted, and examine Parties or Witneſſes upon Oath, and the Sum to be aſſeſſed as aforeſaid, not exceeding Thirty Years Purchaſe, ſhall be paid to the Proprietors of the ſaid Ground, according to their reſpective Intereſts therein, to be adjudged by the ſaid Juſtices; and, upon ſuch Payment, or in caſe of the Refuſal to accept the ſame, then, upon leaving the ſame with the reſpective Juſtices, for the Benefit of ſuch Proprietor, the Inheritance of the ſaid Ground, and the uſe of the Roads leading thereto, ſhall be veſted in the Purchaſers and their Aſſigns for the Purpoſes aforeſaid, and not otherwiſe; and the Warehouſes which ſhall be erected thereon, ſhall be built in ſuch Manner as will moſt effectually render them ſafe and ſecure.

and in caſe of Difference, &c. appoint a Jury to ſettle the Value of the Grounds.

Sum not to exceed Thirty Years Purchaſe.

No Penalty or Forfeiture ſhall be incurred upon account of a greater Quantity than Thirty hundred Weight of Gunpowder being kept within any Warehouſe or Magazine already built for that Purpoſe, unleſs the Juſtices, at their Quarter Seſſions, ſhall, upon Complaint thereof by Two or more of the Inhabitants of or near that Place, adjudge the ſame to be dangerous, and until the Expiration of Six Months next after ſuch Adjudication, and provided the ſame be not ſituate in any City, or the Suburbs thereof, or in any Market Town, or within One hundred Yards Diſtance thereof, or within Two Miles of any of the King's Palaces or Houſes of Reſidence, or within One Mile of any of the King's Magazines for the keeping Gunpowder.

No Penalty for keeping Thirty hundred Weight in Warehouſes already built, unleſs the ſame ſhall be deemed dangerous, &c.

If any Suit or Action ſhall be commenced againſt any Perſon for any Thing done in purſuance of this Act, the Defendant may plead the General Iſſue, and give this Act, and

General Iſſue.

the Special Matter in Evidence; and if a Verdict ſhall paſs for the Defendant, or the Plaintiff ſhall become nonſuit, or diſcontinue his Action after Iſſue joined; or if on Demurrer, or otherwiſe, Judgement ſhall be given againſt him, the Defendant ſhall recover Treble Coſts, and have the like Remedy for the ſame as Defendants have in other Caſes by Law.

Treble Coſts.

Limitation of Actions.

All Suits for any Thing done in purſuance of this Act ſhall be laid or tried in the County or Place where the Fact was committed, and ſhall be commenced in Six Months after.

This Act not to invalidate 5 *Geo.* I. *c.* 26.

This Act ſhall not repeal or alter any of the Clauſes, Powers, or Proviſions, contained in Act 5 *Geo.* I. intituled, *An Act for preventing Miſchiefs which may happen by keeping too great Quantities of Gunpowder in or near the Cities of* London *and* Weſtminſter, *or the Suburbs thereof*, or in Act of the 11 *Geo.* I. intituled, *An Act for making more effectual an Act, paſſed in the Fifth Year of His Majeſty's Reign*, intituled, *An Act for preventing Miſchiefs which may happen by keeping too great Quantities of Gunpowder in or near the Cities of* London *and* Weſtminſter, *or the Suburbs thereof.*

11 *Geo.* I. *c.* 23.

---

*Anno* 29° Geo. II. Cap. XVI.

*An Act to impower His Majeſty to prohibit the Exportation of Saltpetre, and to enforce the Law for impowering His Majeſty to prohibit the Exportation of Gunpowder, or any Sort of Arms and Ammunition, and alſo to impower His Majeſty to reſtrain the carrying Coaſtwiſe of Saltpetre, Gunpowder, or any Sort of Arms or Ammunition.*

SECT. I.

His Majeſty impowered by Proclamation, or Order of Council, to prohibit the Exportation of Saltpetre.

HIS Majeſty may, by Proclamation, or Order in Council, when he ſhall ſee Cauſe, and for ſuch Time therein expreſſed, prohibit the Exportation, or attempting to export, Saltpetre out of this Kingdom, under ſuch Reſtraints as he ſhall think fit.

Saltpetre, Gunpowder, Arms, or Ammunition ſhipped after ſuch Prohibition,

SECT. II. Whatever Quantity of Saltpetre, Gunpowder, or any Sort of Arms or Ammunition, prohibited by Proclamation or Order in Council to be exported, ſhall be ſhipped in any Port of *Great Britain*, in order for Exportation, contrary to ſuch Proclamation or Order, ſhall be forfeited, and may be ſeized by Warrant from any Magiſtrate, or by any Cuſtom-houſe, Impoſt, or Exciſe Officer, and the Owner ſhall forfeit 100 *l.* for every Hundred Weight of Saltpetre and Gunpowder, and ſo in proportion for any leſſer Quantity; and 100 *l.* for every Five and Twenty Arms, and ſo in proportion for any greater or leſſer Number, and 100 *l.* for every Two hundred Weight of any Species of Ammunition, and ſo in proportion for any leſſer Quantity.

to be forfeited,

and the Owner to pay 100 *l.* for every Hundred Weight of ſuch Saltpetre and Gunpowder.

100 *l.* for every Twenty-five Arms, and 100 *l.* for every Two hundred Weight of other Ammunition;

SECT. III. If any Perſon be aſſiſting in the Shipping any Saltpetre, Gunpowder, or any Sort of Arms or Ammunition for Exportation, during the Time it is ſo prohibited, contrary to ſuch Proclamation or Order, he ſhall forfeit 100 *l.* and Treble the Value of ſuch Saltpetre, Gunpowder, Arms, or Ammunition.

and Aiders in Shipping thereof to forfeit 100 *l.* and Treble Value;

SECT. IV. If any Maſter of any Ship permit to be taken on Board any Saltpetre, Gunpowder, or any Sort of Arms or Ammunition for Exportation, during the Time it is ſo prohibited to be exported, he ſhall forfeit 100 *l.*

and the Maſter 100 *l.*;

SECT. V. This Act ſhall impower His Majeſty to prohibit the ſhipping of any Saltpetre, Gunpowder, or any Sort of Arms or Ammunition to be carried Coaſtwiſe.

The ſame may be prohibited from being carried Coaſtwiſe.

SECT. VI. The Penalties in this Act mentioned ſhall be divided into Three Parts, Two-thirds to His Majeſty, and the other Third Part to ſuch Perſon as ſhall ſeize or ſue for the ſame, in any of His Majeſty's Courts of Exchequer in *Great Britain*, wherein no Eſſoin, *&c.* ſhall be allowed.

Application of the Penalties.

*Anno*

## *Anno* 31° Geo. II. Cap. XXXVI.

*An Act for continuing certain Laws therein mentioned, relating to* Britiſh *Sailcloth, and to the Duties payable on Foreign Sailcloth, and to the Allowance upon the Exportation of* Britiſh-*made Gunpowder; and to the Encouragement of the Trade of the Sugar Colonies in* America; *and to the landing of Rum or Spirits of the* Britiſh *Sugar Plantations, before the Duties of Exciſe are paid thereon; and for regulating the Payment of the Duties on Foreign exciſeable Liquors; and for the Relief of* Thomas Watſon, *with regard to the Drawback on certain* Eaſt India *Callicoes, and for rendering more commodious the new Paſſage leading from* Charing-croſs.

Act 4 *Geo.* II. *c.* 29. which was continued by ſeveral ſubſequent Acts. 10 *Geo.* II. *c.* 27. 16 *Geo.* II. *c.* 26. 24 *Geo.* II. *c.* 52

AND be it further enacted by the Authority aforeſaid, That an Act, made in the Fourth Year of the Reign of His preſent Majeſty, intituled, *An Act for granting an Allowance upon the Exportation of* Britiſh-*made Gunpowder*, which was to continue in Force Five Years, from the 24th Day of *June* 1731, and from thence to the End of the then next Seſſion of Parliament; and which, by ſeveral ſubſequent Acts, made in the Tenth, Sixteenth, and Twenty-fourth Years of the Reign of His late Majeſty, was farther continued until the 24th Day of *June* 1757, and from thence to the End of the then next Seſſion of Parliament, ſhall be, and the ſame is hereby further continued, from the Expiration thereof, until the 29th Day of *September* 1764, and from thence to the End of the next Seſſion of Parliament.

further continued to 29th *September* 1764.

*Anno*

## *Anno* 33° Geo. II. Cap. XI.

*An Act for taking down and removing the Magazine for Gunpowder, and all Buildings thereto belonging, ſituate near* Greenwich, *in the County of* Kent, *and erecting inſtead thereof a new Magazine for Gunpowder at* Purfleet, *near the River of* Thames, *in the County of* Eſſex, *and applying a Sum of Money granted in this Seſſion of Parliament towards thoſe Purpoſes; and for obviating Difficulties ariſen upon an Act, made in the laſt Seſſion of Parliament, for making Compenſation for Lands and Hereditaments, purchaſed for His Majeſty's Service at* Portſmouth, Chatham, *and* Plymouth.

Preamble.

WHEREAS the Powder Magazine near the Town of *Greenwich*, in the County of *Kent*, is very improperly and dangerouſly ſituated, and notwithſtanding great Care has been taken to ſupport the ſaid Magazine, the ſame is utterly incapable of being effectually repaired: And whereas *Purfleet*, near the River *Thames*, in the County of *Eſſex*, is a proper Place for erecting a Powder Magazine; may it therefore pleaſe Your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful for the Maſter General of His Majeſty's Ordnance for the Time being, or for the Lieutenant-general and principal Officers of His Majeſty's Ordnance for the Time being; or any Three or more of them, to take down and remove the ſaid Powder Magazine, ſituate near the Town of *Greenwich*, and all the Buildings thereto belonging, and inſtead thereof to erect and build a Magazine for Gunpowder for Land and Sea Service, together with Barracks, Guardhouſe, and other Houſes and Buildings, neceſſary and convenient for the Care and Management of ſuch Magazine, and of the Gunpowder that ſhall from Time to Time be depoſited in it at *Purfleet* aforeſaid.

The Powder Magazine near *Greenwich* to be taken down and removed by the Board of Ordnance, and a new one, together with Barracks, &c to be erected at *Purfleet*.

And

And whereas it will be neceſſary to purchaſe certain Meſſuages, Mills, Lands, Tenements, and Hereditaments, in order to build ſuch intended Magazine for Gunpowder, and other Buildings, at *Purfleet*; be it therefore further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for His Majeſty, by One or more Commiſſion or Commiſſions, by Letters Patent under the Great Seal of *Great Britain*, to authoriſe and appoint any Number of Perſons to be Commiſſioners for ſurveying and ſetting out all ſuch Meſſuages, Mills, Lands, Tenements, and Hereditaments, and for executing the other Purpoſes of this Act, in Manner herein-after mentioned.

Commiſſioners to be appointed by His Majeſty for ſurveying, &c. Lands, &c. proper for that Purpoſe;

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Commiſſioners ſo to be appointed, or any Five or more of them, or ſuch Perſons as they, or any Five or more of them, ſhall appoint, to enter upon, make Surveys of, and ſet out and deſcribe, by Lines, Stakes, or other Marks, ſuch Meſſuages, Mills, Lands, Tenements, and Hereditaments, at *Purfleet* aforeſaid, as they the ſaid Commiſſioners ſo to be appointed, or any Five or more of them, ſhall think proper to be purchaſed, in order for the erecting and building a Magazine for Gunpowder, and the Guardhouſe, Barracks, and other convenient Buildings there.

who are impowered to enter upon and ſet out Lands, &c. accordingly.

And be it further enacted by the Authority aforeſaid, That from and immediately after the making of every ſuch Survey reſpectively, and the entering thereof in the Books of the ſaid Commiſſioners, as herein-after directed, all the Meſſuages, Mills, Lands, Tenements, and Hereditaments, lying within the Boundaries of ſuch Deſcriptions reſpectively, as aforeſaid, ſhall be, and are hereby veſted and declared to be in the actual and real Poſſeſſion and Seiſin of the Right Honourable *Arthur Onſlow*, Speaker of the Houſe of Commons, *William Harvey* Eſquire, Sir *William Maynard* Baronet, the Honourable *Lewis Watſon*, and the Honourable *Robert Fairfax*, their Heirs and Aſſigns, in Truſt; nevertheleſs, for ſuch Perſon and Perſons, Bodies Politick or Corporate, Eccleſiaſtical or Civil, as, at the Time of making ſuch Survey reſpectively, are or ſhall be intereſted therein,

The Lands, &c. ſo ſurveyed veſted in Truſtees,

in Truſt for the Perſons intereſted, till Payment of the Purchaſe-monies.

according to their ſeveral Eſtates and Intereſts in Poſſeſſion, Reverſion, Remainder, or otherwiſe, until the Purchaſe Monies for the ſame ſhall be paid, or Certificates for the Payment thereof ſhall be made forth and depoſited in ſuch Manner as is herein-after directed.

Commiſſioners impowered to treat for the abſolute Purchaſe of ſuch Lands.

And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners ſo to be appointed, or any Five or more of them, may, and they are hereby impowered to treat and agree with the Owners and Perſons intereſted in ſuch Meſſuages, Mills, Lands, Tenements, and Hereditaments, as aforeſaid, for the abſolute Purchaſe thereof, according to their reſpective Intereſts therein; and all ſuch Agreements by the Owners and Perſons intereſted of and in ſuch Meſſuages, Mills, Lands, Tenements, and Hereditaments, with the Commiſſioners ſo to be appointed, or any Five or more of them, (being entered in a Book or Books, in Manner herein-after directed,) ſhall be valid and effectual to all Intents and Purpoſes whatſoever: And in caſe any Perſon or Perſons, Bodies Politick or Corporate, Eccleſiaſtical or Civil, ſhall refuſe or neglect to treat or agree, as aforeſaid, or ſhall refuſe to accept what the ſaid Commiſſioners, or any Five or more of them, ſhall think a reaſonable Recompence or Satisfaction for the ſame, for the Space of Thirty Days after Notice in Writing given to ſuch Perſon or Perſons, or to the principal Officer or Officers of ſuch Bodies Politick or Corporate, Eccleſiaſtical or Civil, or left at his, her, or their reſpective Place or Places of Abode, or delivered to the Tenant or Tenants of the Premiſes; or if through any Diſability, by Nonage, Coverture, or ſpecial Limitations, in any Settlement or Settlements, or by reaſon of any Controverſy depending in Law or Equity, or any other Impediment, ſuch Owners or Perſons cannot diſpoſe of their reſpective Properties or Intereſts; in every ſuch Caſe, the ſaid Commiſſioners ſo to be appointed, or any Five or more of them, may, and are hereby authoriſed and required to iſſue forth their Warrant or Warrants, under their Hands and Seals, to the Sheriff of the County of *Eſſex*, thereby commanding him to impanel, ſummon, and return, before the ſaid Commiſſioners ſo to be appointed, or any Five or more of them, at ſuch Time

Agreements entered into deemed valid.

Where Perſons ſhall refuſe or neglect to treat,

or ſhall be diſabled from treating;

the Commiſſioners are to iſſue their Warrants to the Sheriff of the County to ſummon and return a Jury, to aſcertain the Value of the Premiſes.

and Place, or Times and Places, as ſhall be appointed in ſuch Warrant or Warrants, Twenty-four ſubſtantial and indifferent Inhabitants of the ſaid County of *Eſſex*, qualified to ſerve upon Juries at the Aſſizes, who, upon their Oaths, (which Oaths the ſaid Commiſſioners ſo to be appointed, or any Five or more of them, are hereby impowered to adminiſter), ſhall inquire into, and, by their Verdict, aſcertain and aſſeſs the true and real Value of ſuch Meſſuages, Mills, Lands, Tenements, and Hereditaments, and of the reſpective Eſtates and Intereſts therein: And the ſaid Sheriff is hereby required to impanel, ſummon, and return ſuch Nnmber of Inhabitants as aforeſaid; and, at the Return of ſuch Warrant or Warrants, to attend the ſaid Commiſſioners, with his Bailiffs, or Officers, to prove, if neceſſary, upon Oath, (which Oath the ſaid Commiſſioners ſo to be appointed, or any Five or more of them, are hereby impowered to adminiſter), the ſummoning of the Jurors ſo impanelled and returned reſpectively; and all Perſons ſhall have their lawful Challenges, (but ſhall not challenge the Array of the Pannel,) againſt any of the ſaid Jurymen when they come to be ſworn: And in caſe the ſaid Sheriff ſhall neglect or refuſe (being duly ſerved with ſuch Warrant or Warrants Six Days or more before the Return thereof) to impanel, ſummon, and return ſuch Jury, or ſhall not attend the ſaid Commiſſioners ſo to be appointed, with his Bailiffs, and Officers, who ſhall have executed ſuch Warrant or Warrants; then, and in either of the ſaid Caſes, the ſaid Commiſſioners ſo to be appointed, or any Five or more of them, are hereby authoriſed and required to impoſe a Fine upon ſuch Sheriff, not exceeding 20*l.* nor leſs than 10*l.* for any One Offence: And if any Perſon ſo to be impanelled, ſummoned, and returned, ſhall not appear at the Return of ſuch Warrant or Warrants; or appearing, ſhall refuſe to be ſworn for the Purpoſes aforeſaid, or being ſworn, ſhall depart without the Licence of the ſaid Commiſſioners ſo to be appointed, or any Five or more of them, before the Verdict is given; or ſhall not give his Verdict, or in any other Manner neglect his Duty in the Premiſes; in every ſuch Caſe, the major Part of the Commiſſioners

Sheriffs to attend at the Return of the Warrant, with his Officers, to prove the ſummoning the Jurors;

Jury may be challenged.

Sheriff neglecting his Duty, may be fined in Sum not exceeding 20*l.*

and a Juryman in a Sum not exceeding 10*l.*

ſioners ſo to be appointed, then aſſembled, may, and are hereby impowered to ſet a Fine upon ſuch Perſon ſo offending, and not having lawful Excuſe, (to be allowed by ſuch Commiſſioners ſo to be appointed), not exceeding the Sum of 10*l.* upon any One Perſon, for any One Offence; all which Fines the ſaid Commiſſioners ſo to be appointed, or any Five or more of them, are hereby authoriſed and required to eſtreate in His Majeſty's Court of Exchequer, to be levied to the Uſe of His Majeſty.

Fines to be returned into the Exchequer.

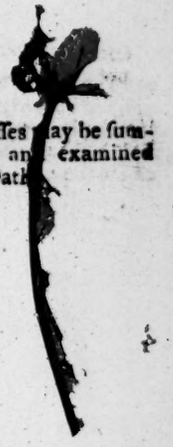
And be it enacted by the Authority aforeſaid, That in caſe a ſufficient Jury ſhall not appear upon the Return of the ſaid Warrant or Warrants, to take the Inqueſt, it ſhall be lawful for the ſaid Commiſſioners ſo to be appointed, or any Five or more of them, from Time to Time, to adjourn the Inqueſt to any future Day, not exceeding Fourteen Days, nor leſs than Seven Days, from the Adjournment thereof; and to iſſue out their Warrant or Warrants for impanelling, ſummoning, and returning a Number of Jurors, Double the Number of Jurors making Default, to attend ſuch Commiſſioners ſo to be appointed at ſuch adjourned Meeting, together with the Jurors before returned by the ſaid Sheriff, or at any future Meeting or Meetings to be held by Adjournment or Adjournments, which the ſaid Commiſſioners ſo to be appointed are hereby authoriſed to make from Time to Time.

Where a ſufficient Jury ſhall not appear, the Inqueſt may be adjourned,

and a freſh Warrant iſſued for returning Double the Number of Jurors making Default

Provided always, and be it further enacted by the Authority aforeſaid, That Twelve good and lawful Men ſhall be ſufficient to take the Inqueſt aforeſaid; and that in caſe Twelve or more ſhall appear upon the Return of the ſaid Warrant or Warrants, then, and in ſuch Caſe, the ſaid Commiſſioners, or any Five or more of them, ſhall proceed to take the ſaid Inqueſt, and give Judgement, and make Decrees thereon.

Twelve ſufficient to take the Inqueſt.



And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners ſo to be appointed, or any Five or more of them, may, and are hereby impowered to ſummon, by Writing under their Hands, any Perſon or Perſons to attend any Jury, to be ſummoned by virtue of this Act, and to examine ſuch Perſon or Perſons upon Oath, in

Witneſſes may be ſummoned and examined upon Oath

relation to the Matters in Queſtion; which Oath the ſaid Commiſſioners ſo to be appointed, or any Five or more of them, are hereby impowered to adminiſter.

Notice to be given of the Days appointed for the Meeting of Juries.

And be it further enacted by the Authority aforeſaid, That Five or more of the ſaid Commiſſioners, ſo to be appointed, ſhall cauſe Notice to be given in Writing of the Days appointed for the Meeting of ſuch Juries, as aforeſaid, Seven Days at leaſt before every ſuch Meeting; which Notices ſhall be affixed upon the Door of the Miller's Houſe, and of the Publick Houſe at *Purfleet*, called the *Crown*, and publiſhed in the *London Gazette*; and if any Perſon or Perſons ſhall not appear purſuant to ſuch Notice, that then the ſaid Commiſſioners ſo to be appointed, and alſo the ſaid Jury, ſhall proceed and determine upon the beſt Information they can then procure or obtain: And if any Perſons ſummoned to attend ſuch Commiſſioners ſo to be appointed, and Jury ſo to be impanelled and ſworn, as a Witneſs, ſhall not appear, or appearing, refuſe to be ſworn or to give Evidence, the major Part of the Commiſſioners then aſſembled may impoſe a Fine upon every Perſon ſo offending, and not having lawful Excuſe, (to be allowed by ſuch Commiſſioners,) not exceeding 5*l.* upon any One Perſon for any One Offence: All which Fines ſhall be eſtreated and levied in ſuch Manner, as the Fines hereinbefore mentioned are directed to be eſtreated and levied.

Witneſſes refuſing to attend, or to give Evidence, may be fined in any Sum not exceeding 5*l.*

Orders and Decrees of the Commiſſioners,

and Verdicts of the Juries, and the Judgements thereupon, are to be final and concluſive to all Parties.

And be it further enacted by the Authority aforeſaid, That the Orders and Decrees which ſhall be made by the ſaid Commiſſioners ſo to be appointed, or any Five or more of them, relating to or concerning ſuch Agreements, which ſhall be made between the ſaid Commiſſioners ſo to be appointed, or any Five or more of them, and ſuch Owners and Perſons intereſted as aforeſaid; and alſo all the Verdicts of ſuch Juries, and the Judgements and Decrees of the ſaid Commiſſioners ſo to be appointed, or any Five or more of them, thereupon, ſhall be final, and ſhall be binding and concluſive to all and every Perſon and Perſons, Bodies Politick and Corporate, Eccleſiaſtical and Civil, their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns, and all other Perſons whatſoever, claiming or to claim

claim, in Remainder, Reverſion, or in any other Manner howſoever, notwithſtanding any Diſability or Incapacity; any Law, Statute, or Cuſtom, or other Matter or Thing whatſoever to the Contrary notwithſtanding.

Surveys, Orders, Judgements, Agreements, and Verdicts, to be entered at Length in proper Books;

And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners ſo to be appointed, or any Five or more of them, ſhall cauſe all their Surveys, Orders, Judgements, and Decrees, and alſo all ſuch Agreements and Verdicts, to be entered in a Book or Books; and in ſuch Surveys, Orders, Judgements, Decrees, and Agreements reſpectively, ſhall be expreſsly mentioned and ſpecified the reſpective Houſe or Houſes, Mill or Mills, Building or Buildings, Number of Acres or Parcels of Land, with their ſeveral Abuttals and Boundaries, and the Name or Names of every Perſon or Perſons, Bodies Politick or Corporate, Eccleſiaſtical or Civil, who ſhall be intereſted therein, and alſo the reſpective Sum or Sums of Money which ſhall be agreed for between the ſaid Commiſſioners ſo to be appointed, and Parties intereſted, or which ſhall be aſſeſſed by ſuch Jury, to be paid for the ſame reſpectively: And all ſuch Surveys, Orders, Judgements, Decrees, Agreements, and Verdicts, ſhall be alſo fairly ingroſſed on Parchment, and certified under the Hands and Seals of Five or more of the ſaid Commiſſioners ſo to be appointed to the Clerk of the Crown in Chancery, and to the King's Remembrancer in His Majeſty's Court of Exchequer.

and Copies thereof to be ingroſſed on Parchment, and certified by the Commiſſioners to the Clerk in Chancery, and the Remembrancer of the Exchequer.

Certificates of the Purchaſes to be given by the Commiſſioners to the Proprietors,

And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners ſo to be appointed, or any Five or more of them, ſhall be and are hereby required, without Fee or Reward, to give their Certificate or Certificates in Writing, under their Hands, to every Proprietor and other Perſon intereſted in the Premiſes, expreſſing the reſpective Houſe or Houſes, Mill or Mills, Building or Buildings, Number of Acres or Parcels of Land, and their ſeveral Abuttals and Boundaries, with the Name or Names of the Perſon or Perſons, Bodies Politick or Corporate, Eccleſiaſtical or Civil, and the Sum or Sums he, ſhe, or they, is or are to receive for the ſame; and ſuch Certificates reſpectively ſhall authoriſe the Surveyor General of the

and Bills for the Sums due to be made out by the Surveyor General of the Ordnance;

and Debentures thereupon to be granted them, with Intereſt after the Rate of 4 *l. per Centum per Annum.*

The Truſtees thereupon deemed to ſtand ſeiſed of the Premiſes.

In Caſe of Refuſal to accept ſuch Certificates, they may be depoſited with the Clerk of the Peace for *Eſſex*, &c.

the Ordnance for the Time being, to make out and allow a Bill or Bills to the Perſon or Perſons, Bodies Politick or Corporate, Eccleſiaſtical or Civil, mentioned in ſuch Certificates reſpectively, and in which Bill or Bills ſhall likewiſe be expreſſed the reſpective Houſe or Houſes, Mill or Mills, Building or Buildings, Number of Acres or Parcels of Land, and their ſeveral Abuttals and Boundaries, together with the Name or Names of the Perſon or Perſons, Bodies Politick or Corporate, Eccleſiaſtical or Civil, as aforeſaid, and the reſpective Sum or Sums to be paid; and thereupon One or more Debenture or Debentures ſhall be prepared for the ſeveral and reſpective Sums as aforeſaid by the Clerk of the Ordnance for the Time being, and ſigned by Three or more of the principal Officers of the Ordnance for the Time being; and ſuch Debentures are hereby required to be paid, with Intereſt, after the Rate of 4 *l. per Centum per Annum*, from the Time of demanding the principal Sums mentioned therein, out of the Money hereby appropriated, or hereafter to be granted by Parliament for the Purpoſe aforeſaid, by the Treaſurer of the Ordnance for the Time being, who ſhall take Acquittances from the Perſons indorſed thereon; and that immediately from and after the Delivery of ſuch Certificates to the Perſons intereſted as aforeſaid, the Truſtees before mentioned ſhall be deemed and adjudged to ſtand ſeiſed of the Premiſes mentioned in ſuch Certificates reſpectively, to and for the Uſe of His Majeſty, His Heirs and Succeſſors, for ever: And if any Perſon or Perſons, Bodies Politick or Corporate, Eccleſiaſtical or Civil, ſhall wilfully refuſe to accept of, or receive any ſuch Certificate; that then, and in ſuch Caſe, it ſhall and may be lawful for the ſaid Commiſſioners ſo to be appointed, or any Five or more of them, to leave and depoſit ſuch Certificates with the Clerk of the Peace of the ſaid County of *Eſſex*, and ſhall make an Entry in their Books of the ſame, which ſhall be taken and deemed to be valid; and ſuch Meſſuages, Mills, Lands, Tenements, and Hereditaments reſpectively, ſhall from thenceforth be veſted to the Uſe of His Majeſty, His Heirs and Succeſſors, as if ſuch

ſuch Certificates had been received by the Parties intitled thereto.

And be it further enacted by the Authority aforeſaid, That if any ſuch Meſſuages, Mills, Lands, Tenements, or Hereditaments, or any Intereſt therein, ſhall belong to any Corporation, or Body Politick, Eccleſiaſtical or Civil, or to any other Perſon or Perſons whatſoever, who, by reaſon of any Diſability, are not able or capable by Law, to take and diſpoſe of the ſeveral Sums which ſhall be due and payable for and in reſpect of their ſeveral Intereſts; in every ſuch Caſe, ſuch Sums of Money ſhall be paid into the Hands of the Deputy King's Remembrancer of His Majeſty's Court of Exchequer at *Weſtminſter* for the Time being, to and for the Uſes, Intents, and Purpoſes, herein-after mentioned.

Where the Premiſes ſhall belong to any Corporate Body, or to other Perſons under a Diſability to take and diſpoſe of the Purchaſe Money, it is then to be paid over to the Deputy Remembrancer for their Uſe.

And whereas, by virtue and in purſuance of an Act of Parliament, paſſed in the Thirty-firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for veſting certain Meſſuages, Lands, Tenements, and Hereditaments, for the better ſecuring His Majeſty's Docks, Ships, and Stores, at* Portſmouth, Chatham, *and* Plymouth, *and for the better fortifying the Town of* Portſmouth, *and Citadel of* Plymouth, *in Truſtees, for certain Uſes, and for other Purpoſes therein mentioned*; and of another Act, made and paſſed in the laſt Seſſion of this preſent Parliament, for making Compenſation to the Proprietors of ſuch Lands and Hereditaments as had been purchaſed for that Purpoſe, divers Lands, Grounds, Tenements, and Hereditaments, ſituate, lying, and being near the ſaid Docks reſpectively, and particularly certain Lands and Grounds belonging to Sir *John Saint Aubyn* Baronet, which were valued by His Majeſty's Commiſſioners at 17,000 *l.* and upwards, and which he was not qualified to convey in Fee-ſimple; and alſo certain Lands, Grounds, and Hereditaments, belonging to the Rectory and Church of *Stoke Damerell*, which could not by Law be aliened in Fee-ſimple; and ſeveral other Lands near the ſaid ſeveral Docks have reſpectively been taken and made uſe of for fortifying and ſecuring the ſaid Docks reſpectively, and are veſted in Truſtees for that:

Act 31 *Geo.* II. *c.* 39.

that Purpoſe; and Bills and Debentures have been made out and allowed by the Surveyor General of the Ordnance, for ſeveral Sums of Money payable for the Purchaſe, or as the Value of the Lands, Tenements, and Hereditaments reſpectively; and the ſeveral Sums of Money, which, by the ſaid Act of the laſt Seſſion, were directed to be paid into the Hands of ſuch Deputy Remembrancer for the Time being, are now ready to be paid, purſuant to and for the Purpoſes of the ſame Act: But as Doubts and Difficulties have ariſen touching the Execution of the ſaid Acts; therefore, for obviating and removing ſuch Doubts and Difficulties, and for the more effectually carrying the ſaid Act of the laſt Seſſion, and this preſent Act, into Execution; be it further enacted by the Authority aforeſaid, That the ſeveral and reſpective Sums of Money, which in and by the ſaid laſt-mentioned Act, and this preſent Act reſpectively, are directed and appointed to be paid and applied for the Benefit of any Corporation, Body Politick, or Perſon under ſuch Diſability as aforeſaid, ſhall be paid to the Deputy of the King's Remembrancer, at the Court of Exchequer at *Weſtminſter*, for the Time being, who is hereby authoriſed, impowered, and required, to receive the ſame; and ſhall, upon the Receipt of each of the ſeveral Sums ſo paid in for the Uſe and Benefit of each of the ſaid Owners and Proprietors reſpectively, ſign a Certificate to the Barons of the ſaid Court of Exchequer, under his Hand, purporting and ſignifying, that every ſuch Sum was received by, and paid to him, in purſuance of the ſaid former Acts, and of this preſent Act, for the Uſe and Benefit of ſuch Owner or Proprietor reſpectively; and who in ſuch Certificate ſhall be named and deſcribed; and which Certificate ſhall be filed in the ſaid Court of Exchequer, and a true Copy thereof, ſigned by the ſaid Deputy of the King's Remembrancer, ſhall and may be read and allowed as Evidence for the Purpoſes herein-after mentioned.

The Monies payable by the recited and preſent Acts, to Corporate Bodies, or Perſons under a legal Diſability, to receive and apply the ſame, to be paid over to the Deputy Remembrancer;

who is to grant Certificates for the ſame to the Owners and Proprietors;

which are to be filed in the Exchequer.

And it is hereby further enacted and declared, That the ſaid Deputy Remembrancer for the Time being, upon Receipt of any Sum or Sums of Money hereby directed and appointed

The Money received by him to be paid into the Bank.

appointed to be paid to him as aforeſaid, ſhall pay the ſame into the Bank of *England*.

Barons of the Exchequer impowered to make Orders for placing out the Monies in the Funds,

And it is hereby further enacted, That the Barons of His Majeſty's Court of Exchequer, of the Degree of the Coif, for the Time being, or any Two of them, ſhall be, and are hereby authoriſed and impowered, in a ſummary Way, upon Motion, or by Petition, for and on the Behalf of the Perſon or Perſons who ſhall be intereſted in, or intitled to, the Benefit of the Money ſo to be paid to, and received by, the ſaid Deputy Remembrancer, or ſhall be intitled to receive the Intereſt or Produce thereof; and upon Reading the Certificate directed to be ſigned by the ſaid Deputy Remembrancer concerning the ſame, as aforeſaid, and receiving ſuch further Satisfaction as they ſhall think neceſſary, to make and pronounce ſuch Orders and Directions as they ſhall think juſt and reaſonable, for the placing out the ſaid Money in the publick Funds, or upon Government or real Securities, and for calling in, diſpoſing of, and placing out, the ſame again, in or upon ſuch new or other Funds or Securities as aforeſaid; and for Payment of the Dividends, Intereſt, or Produce thereof, to the ſeveral and reſpective Perſons intitled to receive the ſame, or for laying out the ſaid principal Sums, or any Part thereof, in the Purchaſes of other Meſſuages, Mills, Lands, Tenements, or Hereditaments, to be conveyed and ſettled to, for, and upon the ſame Uſes, Truſts, Intents, and Purpoſes, as the former Eſtates were ſettled at the Time they became veſted in the Truſtees of the ſaid former Act, or at the Time they ſhall become veſted in the Truſtees appointed by this Act, or as near as the ſame can be done, or for and concerning the receiving, iſſuing, paying, applying, and diſpoſing, of the ſaid Money, for the Benefit of the Perſon and Perſons intitled to the ſame reſpectively, by virtue of, and according to, the Tenor and Purport of the ſaid former Acts, and this preſent Act.

and for the Payment of the Dividends thereon, or laying out the Principal in Purchaſes, to be ſettled and applied to the ſame Uſes.

All Mortgages, Stocks, &c. veſted by this or the recited Acts, in the Deputy Remembrancer to veſt upon his Death or Removal, in his Succeſſor, ſubject to the ſame Truſts;

And it is hereby further enacted and declared, That upon the Death or Removal of the preſent or any future Deputy of the King's Remembrancer of the ſaid Court of Exchequer, all Mortgages, Stocks, and Securities, veſted in

in him by virtue and in purſuance of the ſaid former Acts, and this preſent Act, ſhall veſt in the ſucceeding Deputy of the King's Remembrancer for the Time being, ſubject to the Truſts, and for the Purpoſes herein-before mentioned, without any Aſſignment or Transfer; and all Monies paid into the Bank in purſuance of this Act, or remaining in the Hands of the preſent or any future Deputy of the King's Remembrancer, at the Time of his Death or Removal, and not inveſted in the Funds, or placed out on Securities, as aforeſaid, ſhall be paid over by the Executors or Adminiſtrators of ſuch deceaſed Deputy of the King's ſaid Remembrancer, to the ſucceeding Deputy of the King's ſaid Remembrancer for the Time being.

and the Monies then remaining in his Hands, to be paid over by his Executors, &c.

If there ſhall be no Deputy Remembrancer, the Truſts, &c. under the preſent and former Acts are to veſt in the principal Remembrancer.

And it is hereby further enacted and declared, That if on the Death or Removal of the preſent or any future Deputy of the King's Remembrancer of the ſaid Court of Exchequer, the King's Remembrancer ſhall execute the ſaid Office in Perſon, then, and in ſuch Caſe, the ſeveral Truſts, Powers, and Authorities, in and by the ſaid former Acts, and this preſent Act, veſted in the ſaid Deputy of the King's Remembrancer, and his Succeſſors, ſhall, during ſuch Time as no Deputy of the King's Remembrancer ſhall be appointed, veſt in, and be executed by, the ſaid King's Remembrancer of the ſaid Court of Exchequer for the Time being.

The Mills at *Purfleet* to be taken down,

And whereas the Mills, commonly called *the Purfleet Mills*, by keeping back the Freſh Water, and admitting the Salt Water out of the *Thames*, into the Fleet or Cut called *Mar Ditch*, have been found very detrimental to the adjacent Lands, as well as to the Health of the Country in general, and may prove pernicious to the Garriſon intended for the Guard of the ſaid Magazine; be it further enacted by the Authority aforeſaid, That as ſoon as the ſaid Commiſſioners, ſo to be appointed by virtue of this Act, ſhall be in actual Poſſeſſion and Seiſin of the ſaid Mills, the Maſter General of His Majeſty's Ordnance for the Time being, or the Lieutenant General and principal Officers of His Majeſty's Ordnance for the Time being, or any Three or more of them, ſhall effectually take down the ſaid Mills; and that no Mills ſhall hereafter, on any Account, be built either

either at the Mouth of the ſaid Fleet or Cut called *Mar Ditch*, or in any other Part thereof, that ſhall, by virtue of this Act, be veſted in the ſaid Commiſſioners before mentioned; but that the ſaid Fleet or Cut ſhall be left free and open, according to the Directions herein-after mentioned; any Thing in this Act to the Contrary thereof in any-wiſe notwithſtanding.

and the Fleet to be left open;

And be it further enacted by the Authority aforeſaid, That the Maſter General of His Majeſty's Ordnance for the Time being, or the Lieutenant General and principal Officers of His Majeſty's Ordnance for the Time being, or any Three or more of them, ſhall, when the ſaid Mills ſhall have been taken down, fix ſuch proper Flood Gates, not leſs than Fourteen Feet in Width, to be laid at leaſt Three Feet lower than the Mill Water-way now is, as ſhall effectually keep the Sea Water out of the ſaid Fleet, and permit the Freſh Water to go off with the Ebb Tides; and ſhall, from Time to Time, clear the Silt from the Mouth of the ſaid Fleet, and cauſe ſuch other Works to be erected, and ſuch Repairs to be made thereunto, as may be ſufficient for the Purpoſe aforeſaid; any Thing in this Act to the Contrary thereof notwithſtanding.

and proper Flood Gates to be erected, to keep out the Sea Water,

and permit the Freſh Water to go off with the Ebb Tides, &c.

And be it further enacted by the Authority aforeſaid, That the ſaid Fleet, commonly called *Mar Ditch*, and all the Works erected, or to be erected thereon, ſhall ſtill continue under the Authority of the Commiſſioners of Sewers, for the Levels of *Avely* and *Weſt Thurrock*, to be preſerved by them, for the Benefit of the Country, in the State they are directed to be by this Act; nevertheleſs, ſo as all the Expences of erecting and keeping in Repair the ſaid Flood Gates, and other Works, ſhall be borne and paid for out of the Monies granted or to be granted by Parliament for the Service of the Ordnance; any Thing herein contained to the Contrary thereof notwithſtanding.

The Fleet to be under the Commiſſioners of Sewers for the Levels of *Avely* and *Weſt Thurrock*; but the Expences of the Repairs, &c. to be paid out of the Monies granted for the Ordnance Service.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, upon the Complaint of any Owner or Owners, Occupier or Occupiers, of any other Meſſuages, Lands, and Hereditaments, adjoining

Commiſſioners impowered to hear and redreſs Grievances of the Owners and Occupiers of Lands;

joining to any Part of the Lands and Hereditaments by this Act veſted in the ſaid Truſtees, that he, ſhe, or they, have received any Damage by bringing, loading, or carrying, any Materials neceſſary to erect or compleat any of the Works thereto belonging, or by any other Means whatſoever, to examine into and hear every ſuch Complaint; and if the ſame ſhall be made out to their Satisfaction, then ſuch Commiſſioners, or any Five or more of them, are hereby authoriſed to make ſuch Recompence for ſuch Damages to the Party or Parties injured, out of the Monies hereby granted, as to the ſaid Commiſſioners, or any Five or more of them, ſhall from Time to Time, ſeem juſt and reaſonable.

and make Satisfaction for the Damages.

15,000 *l.* granted out of the Supplies for the Year 1760, towards removing the ſaid Magazine, and building a new One.

And be it further enacted by the Authority aforeſaid, That out of all or any the Aids and Supplies granted to His Majeſty, for the Service of the Year 1760, there ſhall and may be iſſued and applied any Sum or Sums of Money, not exceeding the Sum of 15,000 *l.* towards the taking down and removing the ſaid Magazine, and all Buildings belonging thereto, ſituate near the Town of *Greenwich*, and erecting a new Magazine for Gunpowder, and other Buildings neceſſary thereto, at *Purfleet* aforeſaid, and purchaſing Meſſuages, Mills, Lands, Tenements, and Hereditaments, for that Purpoſe.

Board of Ordnance to appoint Officers for carrying this Act into Execution.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Maſter General and principal Officers of His Majeſty's Ordnance for the Time being, to appoint proper Secretaries, Clerks, Aſſiſtants, or other Officers, for the more effectual carrying this Act into Execution; and that the neceſſary Expences and Charges attending the ſame ſhall be paid out of the Monies hereby granted.

Accounts to be laid before Parliament.

And be it further enacted by the Authority aforeſaid, That an Account of the Application of the Monies hereby appropriated, towards taking down and removing the ſaid Magazine, ſituate near the ſaid Town of *Greenwich*, and all Buildings thereto belonging, and towards building the ſaid Magazine, Guardhouſe, Barracks, and other convenient Buildings, at *Purfleet* aforeſaid, ſhall be laid before both

both Houſes of Parliament, within Thirty Days after the Opening of every Seſſion of Parliament.

Charges of this Act to be firſt paid.

And be it further enacted by the Authority aforeſaid, That all ſuch Coſts and Charges as ſhall be incurred in obtaining this Act, ſhall be, in the firſt Place, paid out of the Monies hereby granted.

Limitation of Actions.

And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, every ſuch Action and Suit ſhall be commenced within the Space of Six Calendar Months next after the Cauſe of ſuch Action or Suit ſhall have ariſen, and not afterwards; and the Defendant or Defendants, in all ſuch Actions and Suits, may plead the General Iſſue, and give the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance of this Act: And if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall not be commenced within the Time before limited; then, and in either of ſuch Caſes, the Jury ſhall find for the Defendant or Defendants, and if a Verdict ſhall be found for the Defendant or Defendants, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or ſuffer a Diſcontinuance, after the Defendant or Defendants ſhall have appeared, or if upon any Demurrer, Judgement ſhall be given for the Defendant or Defendants; in each of the Caſes aforeſaid, the Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame, as any Defendant or Defendants hath or have for recovering Coſts in other Caſes by Law.

General Iſſue.

Treble Coſts.

*Anno*

## *Anno* 4° Geo. III. Cap. XI.

*An Act for continuing certain Laws therein mentioned relating to* Britiſh *Sailcloth, and to the Duties payable on Foreign Sailcloth, and to the Allowance upon the Exportation of* Britiſh-*made Gunpowder; and for giving further Encouragement for the Importation of Naval Stores from the* Britiſh *Colonies in America.*

Act 4 *Geo.* III. relating to the Allowance upon the Exportation of *Britiſh*-made Gunpowder,

RECites, That the Laws therein after mentioned were found to be very uſeful and beneficial, and were near expiring; it was, amongſt other Things, enacted, That an Act, made in the Fourth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for granting an Allowance upon the Exportation of* Britiſh-*made Gunpowder*, which was to continue in Force for Five Years, from the 24th Day of *June* 1731, and from thence to the End of the then next Seſſion of Parliament; and which, by ſeveral ſubſequent Acts, made in the Tenth, Sixteenth, Twenty-fourth, and Thirty-firſt Years of His ſaid Majeſty's Reign, was further continued until the 29th Day of *September* 1764, and from thence to the End of the then next Seſſion of Parliament, ſhall be, and the ſame is hereby further continued, from the Expiration thereof, until the 29th Day of *September* 1771, and from thence to the End of the then next Seſſion of Parliament.

further continued to 29th *September* 1771.

*Anno*

## *Anno* 11° Geo. III. Cap. XXXV.

*An Act for reducing into One Act of Parliament, the ſeveral Laws relating to the keeping and Carriage of Gunpowder, and for more effectually preventing Miſchiefs by keeping or carrying Gunpowder, in too great Quantities.*

### SECT. I.

What Quantities any Perſon ſhall keep.

ENacted, That no Perſon, being a Dealer in Gunpowder, ſhall have or keep, at any one Time, more than Two hundred Pound Weight of Gunpowder, and not being ſuch Dealer, more than Fifty Pounds Weight, in any Houſe, Mill, Magazine, Warehouſe, Shop, Cellar, Yard, Wharf, or other Building or Place, occupied by the ſame Perſon, (all Buildings and Places adjoining to each other, and occupied together, being to be deemed One Houſe, or Place, within this Act), or on any River or other Water, except in Carriages loading or unloading, or paſſing on the Land, or in Ships, Boats, or Veſſels, loading or unloading, or paſſing on any River or other Water, or detained there by the Tide or bad Weather, within the following Limits; that is to ſay, within the Cities of *London* or *Weſtminſter*, or Three Miles thereof, or within any City, Borough, or Market Town, or One Mile thereof, or within Two Miles of any of the King's Palaces, or One Mile of any of the King's Gunpowder Magazines, or Half a Mile of any Pariſh Church, or in any other Part of *Great Britain*, (except in Places where it ſhall be lawful to keep unlimited Quantities of Gunpowder by Force of the Proviſions herein-after contained), on Pain of forfeiting all the Gunpowder in Specie beyond the Quantity hereby allowed to be kept, and the Barrels in which ſuch Gunpowder ſhall be, and alſo One Shilling for every Pound of Gunpowder beyond ſuch allowed Quantity.

Proviſion for the ſafe Carriage of Gunpowder.

SECT. II. And no Perſon ſhall have or convey at any one Time more than Two thouſand Pound Weight of Gunpowder, in any Waggon, Cart, or other Carriage, by Land, or more than Five thouſand Pound Weight in any Barge, Boat, or other Veſſel, by Water, (except in Veſſels with Gunpowder on Board, imported from, or to be exported to, any Place beyond Sea); and all Gunpowder conveyed on Land or

or Water, (except in Veſſels for Importation or Exportation, as aforeſaid), ſhall be in Barrels cloſe joined and hooped, without any Iron about them, and ſo ſecured that no Part of the Gunpowder be ſcattered in the Paſſage; and each Barrel ſhall contain no more than One hundred Pound Weight, and when conveyed by Land ſhall be entirely incloſed in a Leather Bag, or a bag commonly called a *Saltpetre Bag*; and every Carriage or Veſſel, (except ſuch Veſſels as aforeſaid), in which Gunpowder ſhall be conveyed by Land or Water, ſhall have a compleat Covering of Wood, painted Cloth, Tarpaulin, or Wadmill Tilts, over all that Part of the Carriage or Veſſel in which the Gunpoowder Barrels ſhall be placed; and all Gunpowder carried contrary to this Act, and the Barrels in which ſhall ſame may be, may be ſeized by any Perſon, who ſhall have the ſame Authority to remove ſuch Gunpowder and Barrels, and to uſe for that Purpoſe, (for Twenty-four Hours after Seizure), the Carriage or Veſſel in which ſuch Gunpowder ſhall be ſeized, and the Tackling, Beaſts, and Accoutrements belonging thereto, on the Terms of paying a Recompence for the Uſe thereof, and to detain ſuch Gunpowder and Barrels, as is herein-after given to Perſons ſearching by Warrant of a Juſtice and ſuch Seizure ſhall be for his own Uſe on Conviction of the Offender.

Power to ſearch and ſeize.

SECT. III. And One Juſtice, on Demand made by any Perſon, and reaſonable Cauſe aſſigned upon Oath, may iſſue his Warrant to ſearch, in the Day-time, any Houſes, Storehouſes, Warehouſes, Shops, Cellars, Yards, Wharfs, or other Places, or any Carriages, Ships, Boats, or other Veſſels, in which ſuch Gunpowder is ſuſpected to be kept or carried; and all Gunpowder found upon ſuch Search, and alſo all the Barrels, ſhall be immediately ſeized by the Searcher or Searchers, who ſhall, with all convenient Speed after Seizure, remove ſuch Gunpowder and Barrels to ſuch proper Places as they, in Conformity to the Reſtrictions of this Act, ſhall think moſt convenient: And in the caſe of any ſuch Gunpowder ſeized in any Carriage or Veſſel, may uſe, for the Purpoſe of Removal, during the Space of Twenty-four Hours after Seizure, ſuch Carriage or Veſſel, with the Tackling, Beaſts, and Accoutrements belonging thereto, paying afterwards

wards to the Owner thereof, a ſufficient Recompence for the Uſe thereof, to be ſettled by the Juſtices before whom the Complaint ſhall be heard after Seizure; and in caſe of Nonpayment immediately after Settlement by the Juſtices, to be recovered by Diſtreſs, by Warrant of ſuch Juſtices, and may detain ſuch Gunpowder and Barrels till it ſhall be adjudged whether the ſame ſhall be forfeited, and ſhall not be liable to any Suit for ſuch Detainer, or for any Loſs or Damage which may happen to the ſaid Gunpowder or Barrels, other than by the wilful Acts or Neglect of them, or of the Perſons with whom they ſhall intruſt the keeping thereof.

Juſtices in Seſſions may licenſe Powder Mills.

SECT. IV. Out of the Limits above deſcribed, the Juſtices in Seſſions may grant Licences for erecting or making Mills, Magazines, or Storehouſes, for making or keeping unlimited Quantities of Gunpowder, the Perſon applying for the ſame having firſt given Fourteen Days Notice, in Writing, of his Intention to make ſuch Application to an Overſeer or Churchwarden of the Pariſh or Place in which it is propoſed to erect, or make any ſuch new Mill, Magazine, or Storehouſe, or of an adjoining Pariſh, if the Place ſhall be extraparochial, who ſhall cauſe ſuch Notice to be publickly read on the *Sunday* next enſuing, in the Pariſh Church after Divine Service.

Proviſo.

SECT. V. Provided, That no Perſon ſhall be liable to Proſecution for keeping unlimited Quantities of Gunpowder without ſuch Licence of the Juſtices, in any Magazine or Storehouſe already built or uſed for that Purpoſe, in any Place not being within the Limits aforeſaid, until the Expiration of Six Calendar Months after an Adjudication by the Juſtices in Seſſions, that the ſame is dangerous; which Adjudication they ſhall not have Power to make, unleſs on Complaint made to them by ſome Houſeholder of the Pariſh or Place in which the Magazine or Storehouſe ſhall be, and on Oath of the Witneſſes produced, after Summons of the Owner to anſwer the Complaint: And provided, That no Perſon ſhall be liable to any Proſecution for keeping unlimited Quantities of Gunpowder without ſuch Licence of the Ju-

ſtices in any Magazine or Storehouſe erected by Appointment of the Juſtices under any of the former Acts.

Reſtrictions on the River *Thames*.

SECT. VI. No Commander of any Veſſel in the River *Thames* outward bound ſhall receive on Board more than Twenty-five Pound Weight of Gunpowder, (except for the King's Service), before the Arrival of ſuch Veſſel over againſt *Blackwall*; and the Commander of every Veſſel coming into the *Thames* ſhall (except in caſe of Gunpowder for the King's Service) put on Shore, in proper Places, all the Gunpowder on Board above Twenty-five Pound Weight, before the Arrival of ſuch Veſſel at *Blackwall*, or within Twenty-four Hours, (if the Weather ſhall permit), after coming to Anchor, or to the Place of unloading there; and ſhall not afterwards have on Board more than Twenty-five Pound Weight, (except for the King's Service), on Pain of forfeiting all the Gunpowder above Twenty-five Pound Weight, and the Barrels in which ſuch Gunpowder ſhall be, and alſo One Shilling for every Pound above Twenty-five Pound Weight.

Searchers appointed.

SECT. VII. And the Corporation of Trinity Houſe ſhall appoint Searchers, who ſhall have like Power as Perſons authoriſed to ſearch by Warrant of a Juſtice.

Penalties how recoverable.

SECT. VIII. All Penalties on this Act ſhall be recoverable before Two Juſtices, on the Oath of One Witneſs, or Confeſſion, and ſhall go to the Informer proſecuting for the ſame; and where the Penalty is pecuniary, the ſame ſhall be levied by Diſtreſs, and for want of ſufficient Diſtreſs the Offender to be committed to the Houſe of Correction, to be kept to hard Labour, not exceeding Three Months, nor leſs than One.

Proſecution 14 Days after Seizure.

SECT. IX. Proſecution to be commenced within Fourteen Days after Seizure of the Gunpowder, or Commiſſion of the Offence, where there is no Seizure.

Exceptions.

SECT. X. Provided always, That nothing herein ſhall extend to any Storehouſe, Mill, or Magazine, belonging to His Majeſty, or to hinder the Trial of Gunpowder by the King's Officers, or to any Mill belonging to private Perſons, already built

built and uſed for making Gunpowder, or to any Store-houſes, Magazines, or other Offices near to, or adjoining to, ſuch Mills, or to the Carriage of Gunpowder from the King's Magazines by Order of the Board of Ordnance, or with Forces on their March.

---

*Anno* 12° Geo. III. Cap. LVI.

*An Act to continue ſeveral Laws relating to the Allowance upon the Exportation of* Britiſh-*made Gunpowder*, &c.

RECites, That the Laws herein-after mentioned have, by Experience, been found beneficial, and are near expiring.

And that by an Act of the 4th *Geo.* II. for granting an Allowance upon the Exportation of *Britiſh*-made Gunpowder, which was to continue in Force for Five Years, from the 24th *June* 1731, and from thence to the End of the then next Seſſion of Parliament; and which, by ſeveral ſubſequent Acts, made in the Tenth, Sixteenth, Twenty-fourth, and Thirty-firſt *Geo.* II. and by an Act of the 4th *Geo.* III. was further continued until *September* 29 1771, and from thence to the End of the then next Seſſion of Parliament, ſhall be, and the ſame is hereby further continued, from the Expiration thereof, until *September* 29 1778, and from thence to the End of the then next Seſſion of Parliament.

Act 4 *Geo* II.

Acts 10, 16, 24, and 31 *Geo.* II. and Act 4 *Geo.* III.

continued till *September* 29th 1778, and to the End of the next Seſſion

*Anno* 12° Geo. III. Cap. LXI.

*An Act to regulate the Making, Keeping, and Carriage of Gunpowder, within* Great Britain; *and to repeal the Laws heretofore made for any of thoſe Purpoſes.*

Preamble.

WHEREAS the Manufacture of Gunpowder within *Great Britain*, though neceſſary to be encouraged in reſpect of the Value of Gunpowder, as an Article of Defence and Commerce, yet ought to be regulated by Law, in order to prevent the great Miſchiefs which may ariſe from Exploſions occaſioned by the improper Conſtruction and Uſe of the Mills, Engines, and Buildings, employed in the making of Gunpowder, and for keeping and carrying Gunpowder in too great Quantities, or in an improper Manner: And whereas the Act, paſſed in the laſt Seſſion of Parliament, intituled, *An Act for reducing into One Act of Parliament the ſeveral Laws relating to the Keeping and Carriage of Gunpowder, and for more effectually preventing Miſchiefs by keeping or carrying Gunpowder in too great Quantities*, contains no Proviſion for regulating the making of Gunpowder, and is in other Reſpects defective, on which Account it may be convenient to repeal the ſaid Act, and in the Room thereof to have a new Law for regulating, as well the making as the keeping and Carriage of Gunpowder; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That no Perſon or Perſons ſhall uſe, or cauſe to be uſed, any Mill or Mills, or other Engine or Engines, for the making of Gunpowder, or in any Manner manufacture Gunpowder in any Place or Places within *Great Britain*, except in Mills and other Places where the Manufacture of Gunpowder ſhall be actually carrying on at the Time of the Commencement of this Act, or where it ſhall afterwards become lawful to carry on ſuch Manufacture, by obtaining a Licence for that Purpoſe, under the Proviſions herein-after contained, upon Pain

No Perſons to manufacture Gunpowder except in Mills where it is carrying on at the paſſing hereof,

without a Licence for that Purpoſe.

Pain of forfeiting all Gunpowder manufactured contrary to the aforeſaid Proviſion, and alſo Two Shillings for every Pound of ſuch Gunpowder.

No Perſon hereafter to uſe a Peſtle Mill.

And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons whatſoever ſhall, for the making of Gunpowder, employ, work, or uſe, any Mill or Engine worked with a Peſtle or Peſtles, and commonly called *a Peſtle Mill*, upon Pain of forfeiting all Gunpowder manufactured therein, and alſo Two Shillings for every Pound of ſuch Gunpowder.

Not exceeding Forty Pound Weight to be made at any Time, under a ſingle Pair of Mill Stones.

And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons whatſover ſhall, in or with any Mill or Engine uſed for the making of Gunpowder, make, or cauſe to be made, at any one Time, under any ſingle Pair of Mill Stones, any Quantity of Gunpowder, or Materials to be made into Gunpowder, exceeding Forty Pounds, upon Pain of forfeiting all Gunpowder ſo made at one Time, and exceeding the ſaid Quantity of Forty Pounds, and alſo Two Shillings for every Pound of ſuch Gunpowder.

No Perſon liable to Proſecution for uſing Peſtle Mills, *&c.* till One Year after the Commencement of this Act.

Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall be liable to any Proſecution under this Act, for uſing any Peſtle Mill or Mills in the making of Gunpowder, or for making above the Quantity of Forty Pounds Weight of Gunpowder at a Time, under every ſingle Pair of Mill Stones in any One Mill, till after the Expiration of One Year from the Time of the Commencement of this Act.

Nothing herein to extend to the Mills of *Battle*, *Crowhurſt*, *Seddleſcomb*, and *Brede*.

Provided always, and be it further enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to the Powder Mills at this Time erected in the Pariſhes of *Battle*, *Crowhurſt*, *Seddleſcomb*, and *Brede*, in the County of *Suſſex*, ſo far as relates to the making ſuch fine Fowling Gunpowder only, as is known and diſtinguiſhed by the Name of *Battle Powder*.

Not exceeding Forty hundred Weight to be dried at One Time.

And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons whatſoever ſhall dry, or cauſe to be dried, at any One Time, in any One Stove or Place

uſed

uſed for the drying of Gunpowder, any Quantity of Gunpowder exceeding Forty hundred Weight, upon Pain of forfeiting all Gunpowder above the ſaid Quantity of Forty hundred Weight, and the Sum of Two Shillings for every Pound of ſuch Gunpowder.

No greater Quantity than neceſſary for immediate Uſe to be kept in any Drying-houſe.

And be it further enacted by the Authority aforeſaid, That it ſhall not be lawful for any Perſon or Perſons whatſoever, to keep in any Corning-houſe, Drying-houſe, Duſting-houſe, or other Place, uſed for, or in the making of Gunpowder, or in any Building adjoining or belonging thereto, (except Magazines or Storehouſes conſtructed with Stone or Brick, and ſituate Fifty Yards at leaſt from the Gunpowder Mill or Mills), any greater Quantity of Gunpowder than ſhall be neceſſary for the immediate Work then carrying on in ſuch Corning-houſe, Drying-houſe, Duſting-houſe, or other Place uſed for or in the making of Gunpowder, upon Pain of forfeiting all the Gunpowder kept above ſuch neceſſary Quantity, and the Sum of Two Shillings for every Pound of ſuch Gunpowder.

Sufficient Magazines &c. remote from the Mills to be provided;

And be it further enacted by the Authority aforeſaid, That all and every Perſon or Perſons, keeping or uſing any Mill or Mills, or other Engine or Engines, for the making of Gunpowder, ſhall, beſides the Magazine or Magazines, and the Storehouſes, near their Mills, have or provide a good and ſufficient Magazine or Magazines, remote from their reſpective Mills, for the Purpoſe of receiving and ſafe keeping all the Gunpowder made at ſuch Mill or Mills, as ſoon as the ſame can, from Time to Time, be conveniently removed thereto, (which laſt-mentioned Magazine or Magazines ſhall be well and ſubſtantially built with Brick or Stone, near the River *Thames*, and below *Blackwall*, or in ſome other convenient Place to be licenſed by the Juſtices of the Peace, in Manner herein-after mentioned), upon Pain, that all and every Perſon and Perſons making Gunpowder without having ſuch Magazine or Magazines remote from their Mills, or other Places of making Gunpowder, ſhall forfeit the Sum of Twenty-five Pounds for every Month during which ſuch Perſon or Perſons ſhall make Gunpowder, without having ſuch Magazine or Magazines, and the Sum of Five Pounds for every Day during

on Penalty of 25 *l. per Menſem* for every Month ſuch Magazine ſhall be wanting.

which he, ſhe, or they, (not being hindered by Streſs of Weather, or other juſt Impediment), ſhall wilfully neglect or delay removing, with due Diligence, the Gunpowder made at ſuch Mill or Mills, from thence, or from the Magazine or Magazines, and Storehouſes adjoining thereto, to the Magazine or Magazines ſo to be ſituate remote from the Mill.

No Proſecutions for laſt Penalty to take Place till One Year from the Commencement thereof.

Provided always, and be it further enacted by the Authority aforeſaid, That no Maker or Makers of Gunpowder ſhall be liable to any Proſecution under this Act for not having a Magazine or Magazines remote from their reſpective Gunpowder Mill or Mills, till after the Expiration of One Year from the Time of the Commencement of this Act.

No Charcoal to be kept within Twenty Yards of any Mill.

And be it further enacted by the Authority aforeſaid, That all and every Maker and Makers of Gunpowder, who ſhall keep, or permit to be kept, any Charcoal, within Twenty Yards of any Mill or Mills, or other Engine or Engines for making Gunpowder, or of any Drying, Corning, or Duſting-houſe, or Magazine, or Storehouſe thereto belonging, ſhall forfeit the Sum of Five Pounds for every Week during which ſuch Charcoal ſhall be ſo kept.

Dealers not to keep more than Two hundred Pound Weight of Gunpowder at One Time;

And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall have or keep, at any One Time, being a Dealer or Dealers in Gunpowder, more than Two hundred Pound Weight of Gunpowder, and not being ſuch, more than Fifty Pound Weight of Gunpowder, in any Houſe, Mill, Magazine, Storehouſe, Warehouſe, Shop, Cellar, Yard, Wharf, or other Building or Place, occupied by the ſame Perſon or Perſons (all Buildings and Places adjoining to each other, and occupied together, being to be deemed One Houſe or Place within this Act), or on any River or other Water, (except in Carriages loading or unloading, or paſſing on the Land, or in Ships, Boats, or Veſſels loading or unloading, or paſſing on any River or other Water, or detained there by the Tide or bad Weather), within the following Limits; (that is to ſay), within the Cities of *London* or *Weſtminſter*, or within Three Miles of either of them, or within any City, Borough, or Market Town of *Great Britain*, or One Mile of the ſame, or within Two Miles of any Palace or Houſe of Reſidence of

of His preſent Majeſty, His Heirs or Succeſſors, or of Her preſent Majeſty the Queen, or any Queen Conſort or Dowager, or within Two Miles of any Gunpowder Magazine belonging to His Majeſty, His Heirs or Succeſſors, or within Half a Mile of any Pariſh Church, or in any other Part of *Great Britain*, (except in Mills or other Places which, at the Commencement of this Act, ſhall be uſed for the making of Gunpowder, and the Magazines, Storehouſes, and Offices thereto adjoining and belonging, and in the Places where it ſhall be lawful to make Gunpowder, or to keep greater or unlimited Quantities of Gunpowder, by Force of the Proviſions herein-after contained), on Pain of forfeiting all the Gunpowder beyond the Quantity hereby allowed to be kept, and the Barrels in which ſuch Gunpowder ſhall be, and alſo 2 *s.* for every Pound of Gunpowder beyond ſuch allowed Quantity.

Magazines uſed before the Commencement hereof excepted.

Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Perſon or Perſons to keep, for the Uſe of any Mine or Colliery, any Quantity of Gunpowder, not exceeding Three hundred Pound Weight, in any Magazine or Warehouſe, ſo as ſuch Magazine or Warehouſe be within Two hundred Yards of the reſpective Mine or Colliery, for the Uſe of which ſuch Gunpowder ſhall be kept, and alſo that ſuch Magazine or Warehouſe be not within any of the Limits herein-before particularly deſcribed.

Three hundred Pounds Weight of Powder may be kept for the Uſe of Mines.

And whereas it may be neceſſary to have ſome Places appointed, in which it may be lawful to erect new Mills, or other Engines, for making Gunpowder with proper Magazines and Offices adjoining thereto, and to have Magazines for keeping unlimited Quantities of Gunpowder in Places where there are no Mills; be it therefore enacted, That it ſhall be lawful for the Juſtices of the Peace, for each County or other Diviſion within *Great Britain*, at their General Quarter Seſſions of the Peace, upon Application made to them by any Perſon or Perſons, (ſuch Perſon or Perſons having given Notice in Writing of the Intention to make ſuch Application, as alſo of the Place or Places propoſed for ſuch Purpoſes reſpectively, Fourteen Days before

Manner of giving Notice for conſtructing new Mills.

before making it, to an Overſeer or Churchwarden of the Pariſh or Place in which it is propoſed to erect or make any ſuch new Mill, and Offices or Magazine, or of an adjoining Pariſh, if the Place ſhall be extraparochial; which Overſeer or Churchwarden is hereby required to cauſe ſuch Notice to be publickly read on the *Sunday* next enſuing, in the Pariſh Church after Divine Service), from Time to Time to licence the erecting or having ſuch Mills for making Gunpowder, and proper Offices adjoining thereto, or ſuch Magazines for keeping unlimited Quantities of Gunpowder in ſuch Places not being within *London* or *Weſtminſter*, or any other Limits within *Great Britain*, herein-before particularly deſcribed.

Proceedings may be removed from Quarter Seſſions to the *King's Bench*.

And whereas it would be proper that the Determination of the ſaid Court of Quarter Seſſions, on any ſuch Application, ſhould not be final, but that any Perſon or Perſons, who ſhall be refuſed ſuch Licence or Appointment by the ſaid Court of Quarter Seſſions, ſhould have an Opportunity of bringing his or their Caſe before the Court of *King's Bench*, in order that the ſaid Court may finally hear and determine the ſame; be it therefore enacted by the Authority aforeſaid, That in every Caſe where the ſaid Court of Quarter Seſſions ſhall, on ſuch Application made as aforeſaid, refuſe to licenſe any ſuch new Mills, and Magazines, for making and keeping Gunpowder, or to appoint Pieces of Ground for Magazines of Gunpowder remote from any Mills, it ſhall be lawful for all Perſons who may think themſelves aggrieved by ſuch Refuſal, to apply to ſuch Court of Quarter Seſſions for a ſpecial Caſe thereupon; and the Juſtices then preſent ſhall, and are hereby required to certify the ſpecial Circumſtances of the Caſe in Queſtion, together with the Proofs offered for and againſt the Application, in Order that the ſaid Caſe and Proceedings may be removed by Writ of *Certiorari*; into the Court of *King's Bench*, and the ſaid Juſtices ſhall, and they are hereby required, in their Return to ſuch Writ of *Certiorari*, to ſtate ſuch ſpecial Caſe, to the End that the ſaid Court of *King's Bench* may judge of the real Merits thereof: And if upon the whole Matter it ſhall appear to the Satisfac-

tion of the ſaid Court of *King's Bench*, that the Juſtices ought not to have refuſed the ſaid Licence or Appointment; then, and in ſuch Caſe, the ſaid Court ſhall have Power, and is hereby directed, to make an Order upon the ſaid Juſtices to grant ſuch Licence, or make ſuch Appointment, without any freſh Application, at their next General Quarter Seſſions of the Peace; and the Coſts, to be incurred by reaſon of ſuch Writ of *Certiorari*, ſhall be awarded according to the Diſcretion of the ſaid Court of *King's Bench*.

No Perſon liable to pay any Penalty till Six Months after an Adjudication by the Juſtices.

Provided nevertheleſs, and be it further enacted, That no Perſon ſhall be liable to pay any Penalty or Proſecution under this Act, for keeping unlimited Quantities of Gunpowder, without ſuch Licence of the Juſtices, in any Magazine apart and remote from any Gunpowder Mill, and already built and uſed for that Purpoſe, in any Place not being within *London* and *Weſtminſter*, and the other Limits within *Great Britain* herein-before particularly deſcribed, until the Expiraton of Six Calendar Months after an Adjudication by the Juſtices of the Peace for the County or other Diviſion, in which any ſuch Magazine ſhall be, at their General Quarter Seſſions of the Peace, that the ſame is dangerous; it being hereby declared that they ſhall not have Authority to make any ſuch Adjudication, except on Complaint made to them of any ſuch Magazine, by ſome Houſeholder of the Pariſh or Place in which the Magazine ſhall be, and after due Summons of the Owner or Owners of the Magazine complained of to anſwer ſuch Complaint; and after ſuch Examination, on Oath of the Witneſſes produced, to ſupport or invalidate ſuch Complaint; and alſo that no Perſon ſhall be liable at any Time to any Penalty or Proſecution whatſoever, for keeping unlimited Quantities of Gunpowder, without ſuch Licence of the Juſtices of the Peace, in any Magazine erected by Appointment of the Juſtices of the Peace, under the Power given to them by any of the former Acts, regulating the Keeping and Carriage of Gunpowder.

And whereas, by this Act, the Makers of Gunpowder will be liable to Penalties for not having Magazines remote from

from their Mills, and in ſome Caſes they may not be able to agree for the Purchaſe of Pieces of Ground proper for ſuch Magazines; be it therefore enacted by the Authority aforeſaid, That the Juſtices of the Peace for each County, or other Diviſion, within *Great Britain*, ſhall, on Application made to them, at their General Quarter Seſſions of the Peace, by any Maker or Makers of Gunpowder, from Time to Time, appoint proper and convenient Pieces of Ground, (not being within *London* or *Weſtminſter*, or any other Limits of *Great Britain*, herein-before particularly deſcribed, and not exceeding One Acre in any one Place,) with the Uſe of convenient Roads thereto, on which Pieces ſo to be appointed, ſuch Makers of Gunpowder may erect Magazines for keeping Gunpowder in any Quantity, after having agreed with the Owners of ſuch Grounds for the Purchaſe of the ſame; and if any ſuch Owner ſhall not agree, or by reaſon of any Impediment cannot ſo agree, ſuch Juſtices ſhall iſſue a Warrant to the Sheriff of the County, or other Officer having Return of Writs within their Juriſdiction, to impanel and return before them, at ſuch Times and Places as ſhall be appointed by ſuch Warrant, a ſufficient Jury, who, upon their Oaths, to be adminiſtered by the ſaid Juſtices, ſhall inquire into the true Value of the ſaid Pieces of Ground, with the Uſe of ſuch convenient Roads thereto; and their Verdicts ſhall be kept with the Records of the ſaid Seſſions reſpectively; and the Judgement of the ſaid Juſtices thereon ſhall be final and concluſive to all Parties: And for that End, the ſaid Juſtices ſhall have Power to ſend for any Perſons intereſted, and to examine any Parties or Witneſſes upon Oath; and the Sums of Money ſo to be aſſeſſed and adjudged, not exceeding Thirty Years Purchaſe, ſhall be paid to the Owners of the ſaid Ground, according to their reſpective Intereſts therein, in ſuch Proportions as ſhall be adjudged by the ſaid Juſtices; and, upon ſuch Payment, or in Caſe of Refuſal to accept the Money, then, upon leaving the ſame with the Juſtices, for the Benefit of the Owners, the Inheritance of the ſaid Ground, and the Uſe of the ſaid Roads thereto, ſhall be veſted in the Purchaſers thereof, their Heirs

Juſtices to appoint proper Ground for erecting Magazines.

Judgement of Juſtices to be final.

and Aſſigns, for the Purpoſe aforeſaid, and not otherwiſe.

Leſſee or Tenant to make void former Leaſes or Agreemeats;

And whereas Leaſes, or Agreements for Leaſes, may have been made of Magazines, or other Places for keeping Gunpowder, and in Conſequence of this Act it may become unlawful to keep unlimited Quantities of Gunpowder in ſome of ſuch Magazines or Places; be it therefore enacted, That in every ſuch Caſe, it ſhall and may be lawful for the Leſſee or Tenant of any ſuch Magazine or Place for keeping Gunpowder to make void any ſuch Leaſe or Agreement, upon giving Three Calendar Months Notice in Writing to the Leſſor or Owner of ſuch Magazine or Place of the Deſire of the Tenant to have ſuch Leaſe or Agreement determined, and upon paying to ſuch Leſſor or Owner all Rents and Sums of Money which ſhall become due for the ſame, to the Time of Determination limited in ſuch Notice, and upon performing all Covenants and Agreements on the Part of the Leſſee or Tenant to that Time.

on giving Three Months Notice to the Leſſor.

No greater Quantity to be conveyed at One Time than Twenty-five Barrels by Land, and not exceeding Two hundred Barrels by Water.

And be it further enacted, That no Perſon or Perſons ſhall have or convey, at any One Time, within *Great Britain*, more than Twenty-five Barrels of Gunpowder, in any Waggon, Cart, or other Carriage, by Land, or more than Two hundred Barrels of Gunpowder, in any Barge, Boat, or other Veſſel, by Water, (except in Veſſels with Gunpowder imported from, or to be exported to, any Place beyond the Sea, or going Coaſtwiſe;) and all Gunpowder conveyed on Land or Water, (except in ſuch Veſſels for Importation or Exportation of Gunpowder, or going Coaſtwiſe), ſhall be in Barrels cloſe joined and hooped, without any Iron about them, and ſo ſecured that no Part of the Gunpowder be ſcattered in the Paſſage; and each Barrel ſhall contain no more than One hundred Pounds of Gunpowder; and when conveyed by Land, ſhall be entirely incloſed in a leather Bag, or a Bag commonly called *a Saltpetre Bag*; and every Carriage in which Gunpowder ſhall be conveyed by Land ſhall have a compleat Covering of Wood, painted Cloth, Tarpaulin, or Wadmill Tilts, over all the Gunpowder therein contained: And alſo no Gunpowder ſhall be conveyed in any Barge, Boat, or other

Veſſel by Water, (except in Veſſels with Gunpowder imported, or to be exported, in Manner aforeſaid, or going Coaſtwiſe,) that hath not a cloſe Deck; and as ſoon as any Gunpowder is put on Board ſuch Veſſel, all ſuch Gunpowder ſhall be covered with raw Hides, or Tarpaulins; and all Gunpowder which ſhall be carried or conveyed (except in ſuch Veſſels with Gunpowder for Importation or Exportation, as aforeſaid, or going Coaſtwiſe), within any Part of *Great Britain*, in greater Quantity, or in other Manner than is herein-before preſcribed, and the Barrels in which ſuch Gunpowder ſhall be, may be ſeized by any Perſon or Perſons, who ſhall have the ſame Authority to remove ſuch Gunpowder and Barrels, and to uſe for that Purpoſe, during the Space of Twenty-four Hours after Seizure, the Carriage or Veſſel in which ſuch Gunpowder ſhall be ſeized, and the Tackling, Beaſts, and Accoutrements belonging thereto, on the Terms of paying a Recompence for the Uſe thereof; and to detain ſuch Gunpowder and Barrels, as is herein-after given, to Perſons ſearching under a Warrant of a Juſtice of the Peace; and ſuch Seizure ſhall be for his, her, or their own Uſe, on Conviction of the Offender or Offenders.

No Gunpowder to be loaded till that condemned be unloaded.

And be it further enacted by the Authority aforeſaid, That when any Barge, Boat, or Veſſel, having ſtale, condemned, or returned Gunpowder on Board, arrives at the Wharf, Key, or other Place where the ſame is intended to be landed, no Perſon or Perſons ſhall begin to unload, or ſhall bring down to ſuch Wharf, Key, or other Place, with Intent to load in ſuch Veſſel any other Gunpowder, until the whole, or a Part of ſuch ſtale, condemned, or returned Gunpowder, be firſt unloaded and carried away from ſuch Wharf, Key, or other Place of Landing; and after ſuch unloading and carrying away of Part of ſuch Gunpowder, no Perſon or Perſons ſhall begin to load, or ſhall ſo bring down, with Intent to load; any greater Quantity of other Gunpowder than the Part unloaded and carried away, on Pain of forfeiting all ſuch Gunpowder as ſhall be ſo brought down or loaded contrary to the aforeſaid Proviſion.

And

Perſons ſmoaking on Board Veſſels loaded with Gunpowder to forfeit 5 *l.*

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons having the Care or Management of any Barge, Boat, or other Veſſel whatſoever, (except Ships or Veſſels with Gunpowder on Board, imported from, or to be exported to, Places beyond Sea, or going Coaſtwiſe,) loaded with Gunpowder, or any other Perſon on Board the ſame, ſhall bring, have, or uſe, or permit, any Perſon or Perſons, to bring, have, or uſe, any Charcoal, or other combuſtible Matter, or any Fire, or lighted Candle; or ſhall ſmoak, or wittingly permit any Perſon to ſmoak on Board the ſame; all and every ſuch Perſon and Perſons ſhall forfeit the Sum of 5 *l.*

10 *l.* Penalty for Perſons protracting Time in loading or unloading Powder by Land or Water Carriage.

And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons having the Care of any Waggon, Cart, or other Carriage, uſed for the Conveyance of Gunpowder by Land, ſhall, after beginning to place or load therein, any Quantity of Gunpowder, or beginning to unload the ſame thereout, ſtop or ſtay at any Place of loading, or in the loading or unloading, ſuffer any longer Time to paſs, than with the Uſe of all due Diligence ſhall be reaſonably neceſſary for the Purpoſe of loading or unloading; and no Perſon or Perſons having the Charge or Care of any Barge, Boat, or other Veſſel, uſed for the Conveyance of Gunpowder by Water, (except in the Caſe of Veſſels loading for Importation or Exportation of Gunpowder to or from Places beyond Sea, or going Coaſtwiſe), ſhall, after beginning to load or unload any Quantity of Gunpowder, ſtop or ſtay at any Wharf, Key, or other Place of loading, or in the loading or unloading thereof, ſuffer any longer Time to paſs than with the Uſe of all due Diligence ſhall be reaſonably neceſſary for the Purpoſe of loading or unloading, not exceeding Eighteen Hours, unleſs hindered by the Weather; and every ſuch Barge, Boat, or Veſſel, (except ſuch Veſſels as aforeſaid,) having ſo compleated her Loading, ſhall depart from the Place of loading on her Courſe the Firſt enſuing Tide, unleſs hindered by Streſs of Weather, or other juſt Impediment; and no Perſon ſhall load, take in, carry, or convey, in any Waggon, Cart, or other Land Carriage laden with Gunpowder, or in any Barge, Boat,

or

or Veſſel laden with Gunpowder, on any River, (except in the Caſe of Veſſels laden with Gunpowder for Importation from, or Exportation to, Places beyond Sea, or going Coaſtwiſe,) any other Lading of any Kind whatſoever; and all and every Perſon and Perſons, offending againſt any of the aforeſaid Proviſions for loading and unloading, ſhall, for each Offence, forfeit the Sum of 10*l.*

No Proviſions mentioned to extend to other Carriages than thoſe laden with Gunpowder.

Provided always, and be it further enacted by the Authority aforeſaid, That none of the aforeſaid Proviſions for, or relative to, the Conveyance of Gunpowder, or the loading or unloading thereof, ſhall extend to any other Waggon, Cart, or Land Carriage, or any other Barge, Boat, or Veſſel, than ſuch as ſhall be loaded with or employed in conveying a Quantity of Gunpowder, exceeding One hundred Pounds Weight.

Juſtices to iſſue a Warrant to ſearch for Powder made contrary to this Act.

And for the more eaſy Diſcovery of the making, keeping, and Carriage of Gunpowder contrary to the Proviſions herein-before made, be it further enacted, That it ſhall be lawful for any Juſtice of the Peace of any County, or other Diviſion, within *Great Britain*, in which Gunpowder is ſuſpected to be made, kept, or carried, contrary to this Act, on Demand made, and a reaſonable Cauſe aſſigned upon Oath by any Perſon or Perſons, to iſſue a Warrant or Warrants, under his Hand and Seal, for ſearching, in the Day Time, any Houſe, Mill, Magazine, Storehouſe, Warehouſe, Shop, Cellar, Yard, Wharf, or other Place, or any Carriage, Ship, Boat, or Veſſel, in which ſuch Gunpowder is ſuſpected to be made, kept, or carried, contrary to this Act; and that all Gunpowder found upon ſuch Search, to be made, kept, or carried, contrary to this Act, and alſo the Gunpowder Barrels, ſhall be immediately ſeized by the Searcher or Searchers, who ſhall, with all convenient Speed after the Seizure, remove ſuch Gunpowder, and the Barrels in which it ſhall be, to ſuch proper Places as they, in Conformity to the Reſtrictions of this Act, ſhall think fit: And in the Caſe of any ſuch Gunpowder ſeized in any Carriage or Veſſel, may uſe, for the Purpoſe of Removal, during the Space of Twenty-four Hours after Seizure, ſuch Carriage or Veſſel, with the Tackling, Beaſts, and

Searchers to ſeize all which they find, and remove it.

and Accoutrements belonging thereto, (paying afterwards to the Owner or Owners thereof a ſufficient Recompence for the Uſe thereof, to be ſettled by the Juſtices before whom the Complaint ſhall be heard, after the Seizure; and in caſe of Nonpayment immediately after Settlement by ſuch Juſtices, to be recoverable by Diſtreſs and Sale of the Parties Goods and Chattels, as is herein-after directed concerning the pecuniary Penalties of this Act); and may detain ſuch Gunpowder, and the Barrels in which it ſhall be, till it ſhall be adjudged, on a Hearing before any Two or more ſuch Juſtices, whether the ſame ſhall be forfeited; and ſuch Searcher or Searchers, Seizer or Seizers, ſhall not be liable to any Suit for ſuch Detainer, or for any Loſs of, or Damage which may happen to the ſaid Gunpowder, or Barrels, other than by the wilful Acts or Neglects of them, or the Perſons with whom they ſhall intruſt the keeping thereof.

Seizers not liable to Damage occaſioned by Detainer.

Regulation for Security of the Veſſels in the River *Thames*.

And, for Security of the great Number of Ships and Veſſels lying in the River *Thames*, and of the Dock Yards, Wharfs, and Buildings, on the Sides of the *Thames* above *Blackwall*, be it further enacted, That no Maſter or Commander of any Ship or other Veſſel lying in the *Thames*, and outward bound, ſhall receive, or permit to be received, on Board any ſuch Ship or Veſſel, more than Twenty-five Pounds of Gunpowder, (except for the King's Service,) before the Arrival of ſuch Ship or Veſſel at, over againſt, or below *Blackwall*; and that the Maſter or Commander of every Ship or Veſſel coming into the River *Thames*, ſhall (except in the Caſe of Gunpowder for the King's Service,) put on Shore, in proper Places, in Conformity to the Reſtrictions of this Act, all the Gunpowder on Board ſuch Ship or Veſſel above the Quantity of Twenty-five Pounds, either before the Arrival of ſuch Ship or Veſſel at *Blackwall*, or within Twenty-four Hours (if the Weather ſhall permit) after coming to an Anchor there, or to the Place of unloading there, and ſhall not afterwards, have on Board more than Twenty-five Pounds of Gunpowder, (except for the King's Service,) on Pain of forfeiting for every Offence, in any of the ſaid Caſes,

Caſes, all the Gunpowder found on Board above the Weight of Twenty-five Pounds, and the Barrels in which ſuch Gunpowder ſhall be, and alſo Two Shillings for every Pound of Gunpowder above the Quantity of Twenty-five Pounds.

Maſter, Warden, &c. of the *Trinity Houſe*, to appoint Searchers.

And, for the better Diſcovery of Maſters or Commanders of inward or outward bound Ships, who ſhall have Gunpowder in their Ships or Veſſels in the *Thames*, contrary to this Act, be it further enacted, That the Maſter, Warden, and Aſſiſtants of the Corporation of the *Trinity Houſe* of *Deptford Strond*, in the County of *Kent*, for the Time being, ſhall, from Time to Time, appoint One or more Perſon or Perſons a Searcher or Searchers for unlawful Quantities of Gunpowder in Ships, or other Veſſels, in the River *Thames*; which Perſon or Perſons ſo appointed are hereby authoriſed, at any Time between Sunriſing and Sunſetting, to enter any Ship or Veſſel (except His Majeſty's Ships) in the River *Thames* above *Blackwall*, and to ſearch the ſame for unlawful Quantities of Gunpowder; and alſo ſhall have the ſame Powers of ſeizing, removing to proper Places, and detaining, all ſuch unlawful Quantities of Gunpowder found on Board any ſuch Ship or Veſſel, and the Barrels in which ſuch Gunpowder ſhall be, as are herein before given to Perſons ſearching for unlawful Quantities of Gunpowder under a Warrant of a Juſtice of the Peace.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted, That all Penalties created by this Act ſhall be recoverable before Two or more Juſtices of the Peace for the County, or other Diviſion, in which the Offence ſhall be committed, on Proof of the Offence by the Oath or Oaths of One or more credible Witneſs or Witneſſes, or on Confeſſion of the Offender; and One Moiety of each Penalty ſhall belong to His Majeſty, His Heirs or Succeſſors, and the other Moiety thereof to the Informer or Informers proſecuting, for the ſame; and where the Penalty ſhall be Pecuniary, in caſe of Nonpayment, it ſhall be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of ſuch Juſtices; and the Overplus of the Money raiſed, after deducting the Penalty, and the Expence of the Diſtreſs and

Sale, ſhall be rendered to the Owner; and for want of ſufficient Diſtreſs, the Offender ſhall be ſent by ſuch Juſtices to the Houſe of Correction, there to be kept to hard Labour for any Time not exceeding Six Months, nor leſs than Three Months, as ſuch Juſtices ſhall think moſt proper.

Proſecution to be commenced within Fourteen Days after Seizure.

And be it further enacted, That no Perſon ſhall be liable to any Proſecution for any Offence againſt this Act, unleſs ſuch Proſecution ſhall be commenced within Fourteen Days after Seizure of the Gunpowder, or Commiſſion of the Offence, where there ſhall not be any Seizure; and that if any Suit or Action ſhall be proſecuted in *England* againſt any Perſon or Perſons for any Thing done in purſuance of this Act, ſuch Perſon or Perſons may plead the General Iſſue, and give this Act, or the Special Matter, in Evidence, at any Trial to be had thereupon; and that the ſame was done by Authority of this Act: And if a Verdict ſhall paſs for the Defendant or Defendants, or if the Plaintiff or Plaintiffs ſhall become nonſuit, or diſcontinue his, her, or their Action or Actions after Iſſue joined; or if on Demurrer, or otherwiſe, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall recover Treble Coſts, and have the like Remedy for the ſame, as any Defendants have by Law in other Caſes.

General Iſſue.

Treble Coſts.

Limitation of Actions.

And be it further enacted, That all Actions, Suits, and Proſecutions, to be commenced in *England*, againſt any Perſon or Perſons, for any Thing to be done in purſuance of this Act, ſhall be laid and tried in the County or Place where the Fact was committed, and ſhall be commenced within Six Calendar Months after the Fact committed, and not otherwiſe.

Not to extend to Mills to be erected on His Majeſty's Lands, &c. nor to thoſe new erected.

Provided always, and be it further enacted, That this Act ſhall not extend, or be any-ways conſtrued to extend, to any Mills or other Buildings erected, or which may hereafter be erected, for the Purpoſe of making Gunpowder in any Lands belonging to His Majeſty, His Heirs or Succeſſors, or to the keeping of Gunpowder at any Storehouſe or Magazine belonging to His Majeſty, His Heirs or Succeſſors,

ceſſors, or to hinder the Trial of Gunpowder by His Majeſty's Officers, as is uſual for the Service of His Majeſty, His Heirs, or Succeſſors, or to the keeping of Gunpowder at the Magazines now erected for that Purpoſe at *Barking Creekſmouth*, in the County of *Eſſex*, and *Erith Level*, in the County of *Kent*, or to the keeping of Gunpowder at the Magazines or Storehouſes now erected near *Liverpoole*, in the County of *Lancaſter*, or the City of *Briſtol*, or to the Carriage of Gunpowder to or from the King's Magazines, under a ſpecial and expreſs Order of the King's Board of Ordnance; ſuch Order to contain the Quantity of Gunpowder ſo to be carried, and the Time for which ſuch Order ſhall be in Force; or to the Carriage of Gunpowder with Forces on their March; or with the Militia during their Annual Exerciſe, or which ſhall be ſent for the Uſe of ſuch Forces or Militia.

Not to extend to hinder unlimited Quantities to be conveyed from Ships below *Blackwall*.

Provided alſo, and be it further enacted, That this preſent Act ſhall not extend to hinder any Perſon or Perſons from carrying or conveying an unlimited Quantity of Gunpowder in ſuch cloſe-decked Veſſels, in Manner as hereinbefore is directed, from any Ships or Veſſels lying below *Blackwall* to any of the Magazines for Gunpowder ſo ſituate below *Blackwall*, or from ſuch Magazines to any Ships or Veſſels lying below *Blackwall*, and going to any Place beyond Sea, or Coaſtwiſe.

The Act to commence on *July* 1, 1772.

And be it further enacted by the Authority aforeſaid, That this Act ſhall commence and begin to be in Force on the 1ſt Day of *July*, 1772; and from and immediately after the Commencement thereof, an Act, made in the laſt Seſſion of this preſent Parliament, (intituled, *An Act for reducing into One Act of Parliament the ſeveral Laws relating to the Keeping and Carriage of Gunpowder, and for more effectually preventing Miſchiefs by keeping or carrying Gunpowder in too great Quantities,*) and all former Statutes, ſo far as they relate to the Keeping and Carriage of Gunpowder, ſhall be, and the ſame are hereby repealed.

Act 11 *Geo.* III. &c. hereby repealed.

# Harbour Moorings, near the King's Magazines.

*Anno* 10° Annæ, Cap. XVII.

*An Act for the better collecting and recovering the Duties granted for the Support of* Greenwich Hoſpital, *and for the further Benefit thereof, and for the preſerving Her Majeſty's Harbour Moorings.*

## SECT. XXI.

If any Ship not belonging to the Navy, ſhall faſten to the King's Moorings, &c. the Captain ſhall forfeit 10*l.* for every Tide he ſtays at the ſaid Moorings, unleſs neceſſitated ſo to do by Streat of Weather,

RECites, That whereas Merchant Ships, and Veſſels carrying Merchandiſe, do very often ſtop and ride at the Moorings appointed and laid out for the Uſe of Her Majeſty's Ships and Veſſels, and at Her Majeſty's Ships and Hulks in Harbour, near and adjoining to Her Majeſty's Docks, Yards, Storehouſes, and Magazines, ſuch Ships not being forced thereto by any Neceſſity or want of Tide, by which Means Her Majeſty's Ships, Veſſels, and Magazines, are ſubjected to Accidents by Fire, and other Damages, through the Careleſsneſs of the Perſons left on Board ſuch Ships, as well as to Charges by weakening and wearing the Moorings; and the Perſons left on Board ſuch Ships, by their long ſtaying at ſuch Moorings, have great Opportunities of running of Goods and embezzeling Her Majeſty's Naval Stores; it is therefore enacted, That the Captain or Perſon having the Care of ſuch Ship, and then on Board, ſhall forfeit 10*l.* for each Tide it ſhall ſtay at the ſaid Moorings, unleſs it ſhall appear that it was neceſſitated ſo to do, by want of Tide, Streſs of Weather, or other Accident; One Moiety to the Hoſpital of *Greenwich*, the other to him that will ſue for the ſame, by Action of Debt, in any of the Courts at *Weſtminſter*.

One Moiety thereof to *Greenwich Hoſpital*, the other to the Proſecutor.

Upon Neglect to unlooſe, upon Notice given for Twenty-four Hours,

SECT. XXII. Upon giving Notice to the Perſon commanding ſuch Merchant Ship by any Officer belonging to a Man of War, or to the Docks or Yards, to unlooſe from the

the Moorings, and upon Refuſal ſo to do for the Space of Twenty-four Hours after ſuch Notice, any ſuch Officer may unlooſe the ſame from the Moorings.

the King's Officers may unlooſe ſuch Ships from the Moorings.

---

# Highways.

*Anno* 7° & 8° Gul. & Mar. Cap. XXIX.

*An Act for the better repairing and mending of Highways*, &c.

## SECT. III.

NO Carriages ſhall be drawn with above Eight Horſes, (and now by the 6° Queen *Anne*, *c.* 29. with above Six Horſes), except Carriages employed in carrying Ammunition, Artillery, *&c.* for the King's Service.

The ſame Exception in Stat. 5 *Geo. c.* 12.

Carriages in the King's Service excepted.

---

*Anno* 7° Geo. III. Cap. XLII.

*An Act to explain, amend, and reduce into One Act of Parliament, the ſeveral Statutes now in being for the Amendment and Preſervation of the Publick Highways of this Kingdom, and for other Purpoſes therein mentioned.*

## SECT. XXXVIII.

RECITES, That the Highways, not being Turnpike Roads, are much prejudiced by the Narrowneſs of the Wheels of the Carriages travelling thereon, and by the exceſſive Burthens loaded in ſuch Carriages; it is enacted, That no Waggon having the Sole or Bottom of the Fellies of the Wheels of leſs Breadth than Nine Inches, ſhall go or be drawn with more than Six Horſes; and that no Cart, having

Regulations with reſpect to the Number of Horſes which broad or narrow wheeled Waggons and Carts are allowed to be drawn with on Highways;

ing the Sole or Bottom or the Fellies of the Wheels thereof of leſs Breadth than Nine Inches, ſhall go or be drawn with more than Four Horſes; and that no Waggon having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches, ſhall go or be drawn with more than Eight Horſes; and that no Cart having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches, ſhall go or be drawn with more than Five Horſes reſpectively, upon ſuch Highways, under the Pains, Penalties, and Forfeitures after-mentioned, *viz.* that the Owner or Driver of ſuch Waggon or Cart reſpectively ſhall forfeit and loſe all the Horſes above the Number hereby ſo reſpectively limited as aforeſaid, with all Gears, Bridles, Halters, and Accoutrements, to the ſole Uſe and Benefit of any Perſon or Perſons who ſhall ſue or diſtrain the ſame.

all ſupernumery Horſes are to be forfeited, together with their Gears, &c.

Waggons ſhod with narrow Tire, or ſet with roſe-headed Nails, not to be drawn with more than Three Horſes, on Forfeiture of the ſupernumery Horſes.

Sect. XXXIX. And it is further enacted, That no Waggon having the Wheels bound with Streaks or Tire of a leſs Breadth than Two Inches and a Half when worn, or being ſet or faſtened on with roſe-headed Nails, ſhall go or be drawn with more than Three Horſes; and that every Owner or Driver of any ſuch Waggon ſhall forfeit and loſe all ſuch Horſes above the Number of Three, with all Gears, Bridles, Halters, and Accoutrements, to the ſole Uſe and Benefit of any Perſon or Perſons who ſhall ſeize or diſtrain the ſame.

Repealed by Act 8 *Geo.* III. *c.* 5. *ſect.* 1.

Carriages excepted out of the above Regulations.

Sect. L. Provided alſo, That the Regulations hereinbefore mentioned concerning the Number of Horſes, and Wheels of Carriages, ſhall not be deemed or conſtrued to extend to Carts, Waggons, or other Carriages, employed only in carrying any One Stone, Block of Marble, or Piece of Metal, or Timber, or to ſuch Ammunition or Artillery as ſhall be for His Majeſty's Service.

## *Anno* 8° Geo. III. Cap. V.

*An Act to explain, amend, and render more effectual an Act, paſſed in the Seventh Year of His preſent Majeſty's Reign,* intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the ſeveral Statutes now in being for the Amendment and Preſervation of the Publick Highways of this Kingdom, and for other Purpoſes therein-mentioned.*

Recites a Clauſe and Proviſo in the Act of the laſt Seſſions.

RECites the Act 7 *Geo.* III: intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the ſeveral Statutes now in being for the Preſervation of the Publick Highways of this Kingdom, and for other Purpoſes therein mentioned,* it is enacted and declared, That no Waggon having the Wheels bound with Streaks or Tire of leſs Breadth than Two Inches and an Half when worn, ſhall be drawn with more than Three Horſes; and that every Owner or Driver of ſuch Waggon ſhall forfeit and loſe all ſuch Horſes above the Number of Three, with all Gears, *&c.* to the Perſon who ſhall ſeize or diſtrain the ſame; with a Proviſo next after the ſaid Clauſe, containing particular Reſtrictions, as therein mentioned.

That great Inconveniencies have ariſen, and may ariſe, from the ſaid Clauſe, which requires an immediate Remedy; therefore, for the preventing thereof for the future, enacted, That as well the ſaid Clauſe as the ſaid Proviſo, and every Thing therein reſpectively contained, ſhall be, and the ſame is and are hereby repealed and made void to all Intents and Purpoſes.

the recited Clauſe and Proviſo repealed.

Proviſo, That nothing in the ſaid Act contained concerning the Number of Horſes, ſhall extend, or be conſtrued to extend, to any Carts, Waggons, or other Carriages, employed only in carrying any One Stone, Block of Marble, Cable Rope, Piece of Metal, or Timber, or ſuch Ammunition or Artillery as ſhall be for His Majeſty's Service.

Proviſo.

Information.

## Information upon Penal Statutes.

*Anno* 21° Jac. Cap. IV.

*An Act for the Eaſe of the Subject concerning Informations upon Penal Statutes.*

### SECT. V.

THIS Act, or any Clauſe therein contained, ſhall not extend to any Information, Suit, or Action, grounded upon any Law or Statute made againſt Popiſh Recuſancy, or for or concerning Popiſh Recuſancy, againſt thoſe that ſhall not frequent the Church and hear Divine Service; nor to any Information, Suit, or Action, grounded upon the Statute, made in 1 *Jac.* of Tonage, Poundage, Wool; nor for or concerning the concealing or defrauding the King, His Heirs or Succeſſors, of any Cuſtoms, Tonage, Poundage, Subſidy, Import, or Preſage, or for tranſporting of Gold, Silver, Ordnance, Powder, Shot, Ammunition of all Sorts, Wool, Woolfels or Leather, but that ſuch Offence may be laid or alleged to be in any County, at the Pleaſure of any Informer, any Thing in this Act to the Contrary notwithſtanding.

Tranſportation of Ordnance, &c. excepted.

## Iron Manufacture.

*Anno* 1° Annæ, Cap. XVIII.

*An Act for the more effectual preventing Abuſes and Frauds of Perſons employed in the working up the Woollen, Linen, Fuſtian, Cotton, and Iron Manufacture, of this Kingdom.*

### SECT. I.

IF Perſons employed in working up Iron Manufactures, &c. embezzle any of the Materials they are intruſted with to work on, they ſhall forfeit Double the Damage to the

Perſons employed in the working Iron Manufactures, &c. embezzleing the ſame,

the Poor, and be committed to the Houſe of Correction, till Satisfaction; and if not able to pay, to be kept to hard Labour, not exceeding Fourteen Days. forfeit Double the Value of the Damages done.

SECT. II. Perſons buying or receiving the ſaid Materials, ſhall ſuffer the like Penalties, as One convicted, purſuant to this Act, for purloining and imbezzeling the ſaid Materials. The like Penalty on Perſons buying ſuch Goods embezzled.

This Act continued for Three Years, but ſince made perpetual by 9 *Anne, Cap.* 30.; which ſee afterwards.

---

*Anno* 5° Annæ, Cap. XXX.

*An Act for reviving and continuing an Act, made in the Firſt of Her Majeſty's Reign, for the more effectual preventing Abuſes and Frauds of Perſons employed in working up the Woolen, Linen, Fuſtian, Cotton, and Iron Manufactures of this Kingdom.*

WHEREAS an Act of Parliament was made in the Firſt Year of Her Majeſty's Reign, intituled, *An Act for the more effectual preventing Abuſes and Frauds of Perſons employed in working up the Woollen, Linen, Fuſtian, Cotton, and Iron Manufactures of this Kingdom,* to continue for the Space of Three Years, to commence from the 24th *June*, 1703, and from thence to the End of the next Seſſion of Parliament, and no longer: And whereas the ſaid Act is expired, but while in being, was found of good Uſe for preventing Abuſes and Frauds of Perſons employed in making of the ſaid Manufactures; be it enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Act, made in the ſaid Firſt Year of Her now Majeſty's Reign, and every Article and Clauſe therein contained, ſhall be revived, and be in full Force, from the 1ſt of *May*, which will be in the Year 1711, and from thence be continued, and made perpetual. Recital of the Act 1 *Annæ*, *c.* 18. The Act of 1 *Annæ*, *c.* 18. made perpetual.

# Metal.

*Anno* 33° Hen. VIII. Cap. VII.

*A Bill for the Conveyance of Braſs, Lattin, and Bell Metal, over the Sea.*

## SECT. II.

Penalty for conveying Gun Metal, &c. out of the Realm.

NONE ſhall convey out of this Realm, Braſs, Copper, Lattin, Bell Metal, Pan Metal, Gun Metal, or Shroof Metal, clean and mixt, (Tin and Lead only excepted), on Pain to forfeit Double the Value, to be divided between the King and the Proſecutor. *N. B. Engliſh* Metal may be exported, *per* Stat. 5 and 6 *W. & M. c.* 17.

Landing it in Foreign Parts triable in the County where ſhipped.

SECT. III. The Landing thereof in Foreign Parts ſhall be tried and determined in the County where it was ſhipped.

Bond to be given on ſhipping the ſaid Metals to diſcharge the ſame within this Realm.

SECT. IV. None ſhall tranſport ſuch Metal from One Part of the Realm to another before he hath acquainted the Cuſtomer where the Ship is with the true Weight thereof, and alſo given him Bond, to the King's Uſe, of the Double Value thereof, with Condition to land it in ſome Part of the Realm, on Pain to forfeit the ſame, in Manner aforeſaid, and ſhall alſo, within Eight Months after, bring from the Cuſtomer of the Place where he lands it a Certificate of the Landing thereof, which Cuſtomer ſhall give him or his Factor ſuch Certificate without Delay.

Penalty on giving a falſe Certificate.

SECT V. The Cuſtomer that makes a falſe Certificate in ſuch Caſe ſhall loſe his Place, and the Value of the Goods ſo concealed.

A Remedy if the Metal be drowned, or robbed.

SECT. VI. Provided always, That if the ſaid Metal be loſt by Tempeſt, Enemy, or Piracy, upon due Proof thereof made to the Cuſtomer by the Party, or his Executors, his Bond ſhall be re-delivered, or otherwiſe diſcharged.

*Anno*

*Anno* 1° & 2° Edw. VI. Cap. XXXVI.

*An Act for carrying Bell Metal out of the Realm.*

SECT. II.

THE Penalty of 10 *l.* for every One thouſand Weight, is added to the Forfeiture of Double the Value of Metal, tranſported contrary to the Statute of 33 *Hen.* VIII. *cap.* 7. The Penalty for carrying any Braſs, Latin, &c. beyond the Sea.

SECT. III. Alſo 10 *l.* for One thouſand Weight ſhall be added to the double Value of the Goods, and the Total thereof put into the Bond to be made to the Cuſtomer, according to the Statute of the 33 *Hen.* VIII. *cap.* 7.; which Bond, if it want a Date, the Cuſtomer ſhall forfeit his Place, and the Value of the Goods ſhipped. What he muſt do that ſhippeth Metals in One Part of this Realm to carry to another.

SECT. V. If any Officer of the Ship ſuffer ſuch Metal to be ſhipped, and not diſcloſe it within Three Days, he ſhall forfeit the double Value thereof; or if any Cuſtomer or Searcher having Notice thereof, do not ſeize it to the King's Uſe, he ſhall loſe his Office, and the Value of the Metal. The Penalty of a Maſter of a Ship which carrieth the ſaid Metal.

SECT. VI. None ſhall lade ſuch Metal but where there is a Cuſtomer, on Pain to forfeit 10 *l.* and the Metal. The Forfeitures are to be divided between the King and Proſecutor. No Metal ſhall be laden but where there is a Cuſtomer.

SECT. VII. The Statute of 33 *Hen.* VIII. *cap.* 7. in Points not altered by this Act, is confirmed Metal, made of *Engliſh* Ore, may be exported *per* Statute 5° & 6° *Gul.* & *Mar. cap.* 17. A Confirmation of the Statute of 33 *Hen.* VIII. *c.* 7.

*Anno* 5° & 6° Gul. & Mar. Cap. XVII.

*An Act for the Exportation of Iron, Copper, and Mundick Metal.*

SECT. II.

Iron may be exported.

IT ſhall and may be lawful to and for any Perſon whatſoever, Bodies Politick or Corporate, to ſhip or export all and all Manner of Iron, Copper, or Mundick Metal, out of this Realm of *England*, Dominion of *Wales*, and Town of *Berwick upon Tweed*, except unto or to the Uſe of the *French* King, or any of His Subjects, reſiding within His ſaid Dominions, during the preſent War between Their Majeſties and the *French* King, paying the Duties and Cuſtoms by Land payable for the ſame.

SECT. III. Provided this Act ſhall not extend to the Exportation of Pot Metal, Gun Metal, or Shruff Metal or any Old Metal, or any Mixture therewith, or any Copper or other Metal, than what is made of *Engliſh* Ore only.

---

# Mills.

*Anno* 23° Eliz. Cap. V.

*An Act touching Iron Mills near unto the City of* London, *and the River* Thames.

SECT. I.

Wood growing within a certain Diſtance of *London*, not to be uſed in the making of Iron.

ENACTED, That none ſhall convert into Coal, and other Fuel, for the making of Iron, or Iron Metal, any Wood, or Underwood, growing within the Compaſs of Twenty-two Miles of *London*, or the Suburbs thereof, or of the River *Thames*, from *Dorcheſter*, in the County

County of *Oxford*, downwards, or within Four Miles of the Foot of the *Downs*, betwixt *Arundel* and *Pevenſey*, in the County of *Suſſex*, or of *Winchelſea*, or *Rye*, or within Two Miles of *Pemſey*, or Three Miles of *Haſtings*, on Pain to forfeit for every Load of Wood ſo converted, 50 *s.*; to be divided betwixt the Queen and Proſecutor.

SECT. II. This Act not to extend to any Woods growing in any ſuch Parts of the Wields of *Surrey*, *Suſſex*, and *Kent*, within Twenty-two Miles of *London*, or *Thames*, as is diſtant above Eighteen Miles from *London*, and Eight Miles from the *Thames*.

No new Iron Works to be erected.

SECT. III. No Iron Works are to be built within Twenty-two Miles of *London*, Fourteen Miles of the *Thames*, or Four Miles of the *Downs*, *Pemſey*, *Winchelſea*, *Haſtings*, or *Rye*, upon Penalty of 100 *l.* between the Queen and Proſecutor.

---

# Mines.

*Anno* 5° & 6° Gul. et Mar. Cap. VI.

*An Act to prevent Diſputes and Controverſies concerning Royal Mines.*

## SECT. II.

Owners of Mines to enjoy them tho' pretended to be Royal Mines.

ALL Perſons ſubject to the Crown of *England*, Bodies Politick or Corporate, having, or that ſhall have, any Mine or Mines within the Kingdom of *England* or *Wales*, wherein any Ore now is, or ſhall be diſcovered or wrought, in which there is Copper, Tin, Iron, or Lead, ſhall or may enjoy the ſaid Mine or Mines, or Ore, notwithſtanding they ſhall be pretended or claimed to be Royal Mine or Mines.

The King to have the Ore at certain Rates.

SECT. III. Provided, That Their Majeſties, Their Heirs and Succeſſors, may have the Ore of ſuch Mines in any Part of *England* or *Wales*, (other than in the Counties of *Devon* and

and *Cornwall*,) paying to the Owners of the ſaid Mines, and before the ſame be removed thence, the Rates following, *viz.* For all Ore waſhed, made clean and merchantable, wherein is Copper, 16 *l. per* Ton; and for all Ore waſhed, made clean and merchantable, wherein is Tin, 40 *s. per* Ton; and all Ore waſhed, made clean and merchantable, wherein is Iron, 40 *s. per* Ton; and for all Ore waſhed, made clean and merchantable, wherein is Lead, 9 *l. per* Ton; and in Default of Payment of ſuch reſpective Sums, as aforeſaid, it ſhall be lawful for the Owners of the ſaid Mines, wherein ſuch Ore ſhall be found, to diſpoſe of the ſaid Ore to their own Uſes.

## Mutiny.

*Anno* 14° Geo. III.

*An Act for puniſhing Mutiny and Deſertion; and for the better Payment of the Army and their Quarters.*

Juſtices may order Conſtables to provide Carriages.

IT is amongſt other Things enacted, That for the better and more regular Proviſion of Carriages for His Majeſty's Forces in their Marches, or for their Arms, Cloaths, and Accoutrements, in *England*, *Wales*, and Town of *Berwick upon Tweed*, all Juſtices of the Peace, within their ſeveral Counties, Ridings, Diviſions, Shires, Liberties, and Precincts, being duly required thereunto, by Order from His Majeſty, or the General of His Forces, or the Maſter General, or Lieutenant General of His Majeſty's Ordnance, ſhall, as often as ſuch Order is brought and ſhewn unto any One or more of them, by the Quarter Maſter, Adjutant, or other Officer of the Regiment, Detachment, Troop, or Company, ſo ordered to march, iſſue out his or their Warrants to the Conſtables, or Petty Conſtables, of the Diviſion, Riding, City, Liberty, Hundred, and Precinct, from, through, near, or to which ſuch Regiment, Detachment, Troop, or Company, ſhall be ordered to

march, requiring them to make ſuch Proviſion for Carriages, with able Men to drive the ſame, as mentioned in the ſaid Warrant, allowing them ſufficient Time to do the ſame, that the neighbouring Parts may not always bear the Burthen; and in Caſe ſufficient Carriages cannot be provided within any ſuch Liberty, Diviſion, or Precinct, then the next Juſtice or Juſtices of the Peace, of the County, Riding, or Diviſion, ſhall, upon ſuch Order as aforeſaid being brought or ſhewn to One or more of them by any of the Officers aforeſaid, iſſue his or their Warrants to the Conſtables, or Petty Conſtables, of ſuch next County, Riding, Liberty, Diviſion, or Precinct, for the Purpoſes aforeſaid, to make up ſuch Deficiency.

Rates for Carriages.

And the aforeſaid Officer or Officers, who, by virtue of the aforeſaid Warrant from the Juſtices of the Peace are to demand the Carriage or Carriages therein mentioned of the Conſtable, or Petty Conſtable, to whom the Warrant is directed, is and are hereby required at the ſame Time to pay down in Hand to the ſaid Conſtable, or Petty Conſtable, for the Uſe of the Perſon who ſhall provide ſuch Carriages and Men, the Sum of 1*s.* for every Mile any Waggon with Five Horſes ſhall travel, and the Sum of 1 *s.* for every Mile any Team with Six Oxen, or Four Oxen with Two Horſes, ſhall Travel, and the Sum of 9 *d.* for every Mile any Cart with Four Horſes ſhall travel, and ſo in Proportion for leſs Carriages; for which reſpective Sums ſo received, the ſaid Conſtable, or Petty Conſtable, is hereby required to give a Receipt in Writing to the Perſon or Perſons paying the ſame; and ſuch Conſtable, or Petty Conſtable, ſhall order and appoint ſuch Perſon or Perſons, having Carriages within their reſpective Liberties, as they ſhall think proper to provide and furniſh ſuch Carriages and Men accordingly: And if any Military Officer or Officers, for the Uſe of the whole Troop or Company the Carriage was provided, ſhall force or conſtrain any Waggon, Wain, Cart, or Carriage, to travel more than One Day's Journey, or ſhall not diſcharge the ſame in due Time for their Return Home, or ſhall ſuffer any Soldier or Servant, (except ſuch as are ſick,) or any Woman, to ride

Penalty on Officers forcing Waggons to travel more than One Day's Journey.

ride in the Waggon, Wain, Cart, or Carriage aforeſaid; or ſhall force any Conſtable, or Petty Conſtable, by Threatnings, or menacing Words, to provide Saddle Horſes for themſelves, or Servants, or ſhall force Horſes from the Owners, by themſelves, Servants, or Soldiers, every ſuch Officer, for every ſuch Offence, ſhall forfeit the Sum of 5 *l.* Proof thereof being made upon Oath before Two of His Majeſty's Juſtices of the Peace of the ſame County or Riding, who are to certify the ſame to the Paymaſter of His Majeſty's Forces, who is hereby required to pay the aforeſaid Sum of 5 *l.* according to the Order and Appointment, under the Hands and Seals of the aforeſaid Juſtices of the Peace of the ſame County or Riding, who are hereby impowered to deduct the ſame out of ſuch Officer's Pay.

Penalty on Conſtables, &c. Neglect.

And be it enacted by the Authority aforeſaid, That if any high Conſtable, or Petty Conſtable, ſhall wilfully neglect or refuſe to execute ſuch Warrants of the Juſtices of the Peace, as ſhall be directed unto them for providing Carriages as aforeſaid; or if any Perſon or Perſons, appointed by ſuch Conſtable, or Petty Conſtable, to provide or furniſh any Carriage and Man, ſhall refuſe or neglect to provide the ſame; or any other Perſon or Perſons whatſoever ſhall wilfully do any Act or Thing, whereby the Execution of the ſaid Warrants ſhall be hindered or fruſtrated; every ſuch Conſtable, or other Perſon or Perſons ſo offending, ſhall, for every ſuch Offence, forfeit any Sum not exceeding 40 *s.* nor leſs than 20 *s.* to the Uſe of the Poor of the Pariſh where any ſuch Offence ſhall be committed: And all and every ſuch Offence and Offences ſhall and may be inquired of, heard, and fully determined, by Two of His Majeſty's Juſtices of the Peace dwelling in or near the Place where ſuch Offence ſhall be committed, who have hereby Power to cauſe the ſaid Penalty to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, rendering the Overplus, if any, to the Owners.

And whereas the reſpective Sums of Money, by this Act appointed to be paid to the Conſtables by the Officers demanding

demanding ſuch Carriages, are not, in many Caſes, ſufficient to anſwer the Charge and Expence of providing the ſame, in ſo much that the ſaid Conſtables are frequently at great Charges, over and above what is received by them of the ſaid Officers, to the great Burthen of the Townſhip of which he is Conſtable, or elſe the Perſons performing ſuch Carriages are grievouſly oppreſſed: For Remedy whereof, and that the ſaid overplus Charge may be borne by each County or Riding, at the general Charge of ſuch County or Riding, be it further enacted by the Authority aforeſaid, That the Treaſurer or Treaſurers of each reſpective County or Riding ſhall, without Fee or Reward, pay unto ſuch Conſtable all and every ſuch reaſonable Sum or Sums of Money, ſo by him paid or laid out for ſuch Carriages, over and above what was or ought to have been paid by the Officer requiring ſuch Carriages, out of the publick Stock of ſuch County or Riding, according to ſuch Rates, Orders, Rules, and Directions, as the ſaid Juſtices of the Peace, in their Quarter Seſſions aſſembled within their reſpective Juriſdictions, ſhall, from Time to Time, during the Continuance of this Act, make, direct, and appoint, (which Orders ſhall be made without Fee or Reward); Regard being always had to the Seaſon of the Year, and the Length and Condition of the Ways, by and through which ſuch Carriages are to travel.

The Treaſurers of the County to repay the Conſtables extraordinary Charges.

And in caſe the ſaid publick Stock of the County or Riding be not ſufficient (over and above the other Purpoſes for which it was raiſed) to ſatisfy the extraordinary Charge of Carriages before mentioned, it is hereby further enacted, That the ſaid Juſtices of the Peace, in the General Quarter Seſſions, ſhall have Power, from Time to Time, to raiſe Monies upon the reſpective Counties or Ridings, in ſuch Manner as they now raiſe Monies for County Gaols and Bridges, to ſatisfy the ſaid extraordinary Charge of Carriages.

Money for thoſe Purpoſes how to be raiſed.

Provided always, and be it further enacted, That no Waggon, Wain, Cart, or Carriage, impreſſed by Authority of this Act, ſhall be liable or obliged by virtue of this Act to carry above Thirty hundred Weight.

No Waggon, &c. to carry above Thirty hundred Weight.

Carriages in *Scotland* how to be provided.

And be it further enacted, That the Carriages for the Service of the Forces, from Time to Time quartered or marching in *Scotland*, ſhall be provided in like Manner, and at the Rates, and the Furniſher of ſuch Carriages ſhall be paid as was directed by the Law in Force in *Scotland* at the Time of the Union.

---

# Navy.

*Anno* 5° Eliz. Cap. V.

*An Act touching the Politick Conſtructions of the Navy.*

## SECT. XXVII.

The Statute of 18 *Hen.* VI. *c.* 19. ordained againſt Soldiers, ſhall extend to Mariners and Gunners.

WHERE Doubt has been made, whether 18 *Hen.* VI. *c.* 19. heretofore made againſt Soldiers retained departing without Licence from their Captain, did extend to Mariners and Gunners; it is enacted and declared, That the Statute of 18 *Hen.* VI. *c.* 19. doth extend to every Mariner and Gunner, having taken Preſs Wages to ſerve the Queen's Majeſty, Her Heirs and Succeſſors, in all Pains, and other Forfeitures, which by the ſaid Act is Felony; and Juſtices of the Peace have Power to inquire and determine thoſe Offences, which are now tried by a Court Martial.

*Anno*

*Anno* 13° Car. II. Cap. IX.

*An Act for eſtabliſhing Articles and Orders for the Regulating and better Government of His Majeſty's Navies, Ships of War, and Forces by Sea.*

## SECT. V.

Relieving of an Enemy.

RElieving an Enemy with Powder, Shot, Arms, Ammunition, ſhall be puniſhed with Death, or as a Court Martial ſhall think fit.

Imbezzeling Ammunition, *&c.*

SECT. VIII. & XVI. None ſhall ſteal or imbezzle any of the Ships Furniture or Ammunition on Pain of Death, or as a Court Martial, *&c.* All that turn to the Enemy, *&c.* and either run away with their Ship, Ammunition, *&c.* or yield it up to the Enemy, *&c.* ſhall ſuffer Death.

or betraying Truſt, or yielding to an Enemy.

Waſteful Expence of Ammunition.

SECT. XXIV. There ſhall be no waſteful Expence or Imbezzlement of any Stores in the Fleet, on ſuch Penalties, by Fine, Impriſonment, or otherwiſe, upon the Offenders, Abettors, Buyers, and Receivers, as a Court Martial, *etc.*

Burning a Ship.

SECT. XXVI. They that wittingly ſet on Fire any Ship or other Veſſel, their Store, or Furniture, not appertaining to any Enemy or Rebel, ſhall be puniſhed with Death, or as a Court Martial ſhall think fit.

*See* the Satute 5 and 6 *Will. & Mar. c.* 25. Offences againſt 13 *Car.* II *c.* 9. how triable.

---

*Anno* 5° & 6° Will. & Mar. Cap. XXV.

*An Act for the better Diſcipline of Their Majeſties Navy Royal.*

## SECT. I.

Offences againſt the 13 *Car.* II. *c.* 9. triable in the *King's Bench*, or before Judges of *Oyer* and *Terminer.*

ALL Offences contrary to the Act, made in the Thirteenth Year of King *Charles* the Second, intituled, *An Act for the eſtabliſhing Articles and Orders for the Regulating*

*gulating and better Government of His Majeſty's Navies, Ships of War, and Forces by Sea*, which ſhall be committed after the 29th *June* 1694, may be tried and determined in the *King's Bench* at *Weſtminſter*, or before Juſtices of *Oyer* and *Terminer*, appointed by Their Majeſties, which ſaid Courts are hereby impowered to hear and determine the ſame, according to the Common Law, and to inflict ſuch Penalties as are appointed by the ſaid Act.

Offences out of the Realm laid in *England*.

SECT. II. Where any of the Offences ſhall be committed out of this Realm, the ſame may be alleged and laid in any County within this Realm.

No Perſon triable by both *King's Bench* and Court Martial.

SECT. III. Provided, That no Perſon who ſhall be tried in a Court Martial ſhall, for the ſame Offence, be again tried by virtue of this Act, nor ſhall any Perſon tried by virtue of this Act be tried again by a Court Martial.

To continue for Three Years, and to the End of the next Parliament.

---

## Paving.

*Anno* 8° Geo. III. Cap. LXII.

*An Act for the better paving and cleanſing the Streets and other publick Paſſages in the Town of* Portſmouth, *in the County of* Southampton, *and for preventing Nuiſances and Annoyances therein; and for widening and rendering the ſame more commodious.*

Preamble.

WHEREAS the Town of *Portſmouth*, in the County of *Southampton*, is a large, ancient, and populous Town; and the Pavements in the ſeveral Streets, Courts, Lanes, Ways, Alleys, and publick Paſſages thereof, are exceedingly irregular, defective, and out of Repair: And whereas the ſaid Streets, Courts, Lanes, Ways, Alleys, and publick Paſſages, are greatly narrowed and obſtructed by various Projections and Incroachments: And whereas the Inhabitants of the ſaid Town, and all others paſſing and repaſſing through the Streets, Courts, Lanes, Ways, Alleys,

Alleys, and publick Paſſages thereof, are greatly incommoded and annoyed, not only by reaſon of the ſaid irregular and defective Pavements, and the ſaid Projections and Incroachments, but by many Nuiſances and Annoyances in the ſaid Town, and in the ſaid Streets, Courts, Lanes, Ways, Alleys, and publick Paſſages: And whereas, the regular and effectual paving the ſaid Streets, Courts, Lanes, Ways, Alleys, and publick Paſſages, and removing and preventing in future all Projections, Incroachments, Nuiſances, and Annoyances therein, would tend greatly to the Health, Safety, and Advantage, as well of the Inhabitants of the ſaid Town, as of all others reſorting thereto: And whereas ſeveral Houſes, Erections, Storehouſes, Buildings, Lands, Tenements, and Hereditaments, in the ſaid Town, are under the Direction, Inſpection, or Management, of the principal Officers of His Majeſty's Ordnance for the Time being, and the Commiſſioners for victualling His Majeſty's Navy for the Time being; and it will be neceſſary to pave the ſeveral Streets, Courts, Lanes, Ways, Alleys, and publick Paſſages adjoining or contiguous to the ſame reſpectively; be it therefore further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to pave, or cauſe to be paved, the ſeveral Streets, Courts, Lanes, Ways, Alleys, and publick Paſſages, adjoining or contiguous to the ſaid ſeveral Houſes, Storehouſes, Erections, Buildings, Lands, Tenements, and Hereditaments reſpectively, in ſuch and the ſame Manner as the other Streets, Courts, Lanes, Ways, Alleys, or publick Paſſages, in the ſaid Town, are by this Act directed to be paved; and the Charges of ſuch Pavements in the ſeveral Streets, Courts, Lanes, Ways, Alleys, and publick Paſſages, adjoining or contiguous to ſuch of the ſaid Houſes, Storehouſes, Erections, Buildings, Lands, Tenements, and Hereditaments, as are or ſhall be under the Direction, Inſpection, or Management, of the principal Officers of His Majeſty's Ordnance for the Time being, (that is to ſay,) from the Fronts of ſuch Houſes, Storehouſes, Erections, Buildings, Lands, Tenements, and Hereditaments, to the Middle of the ſeveral Streets, Courts, Lanes,

Houſes &c. belonging to the Crown,

how to be paid for.

Lanes, Ways, Alleys, and publick Paſſages adjoining or contiguous thereto, the whole Width of ſuch Fronts ſhall be borne and defrayed by the principal Officers of His Majeſty's Ordnance for the Time being, and ſhall be paid to the ſaid Collector by the Storekeeper of His Majeſty's Ordnance at *Portſmouth* for the Time being; and the Charges of ſuch Pavements in the ſeveral Streets, Courts, Lanes, Ways, Alleys, and publick Paſſages, adjoining or contiguous to ſuch of the ſaid Houſes, Storehouſes, Erections, Buildings, Lands, Tenements, and Hereditaments, as are or ſhall be under the Inſpection or Management of the Commiſſioners for victualling His Majeſty's Navy for the Time being, (that is to ſay), from the Fronts of ſuch Houſes, Storehouſes, Erections, Buildings, Lands, Tenements, and Hereditaments, to the Middle of the ſeveral Streets, Courts, Lanes, Ways, Alleys, and publick Paſſages, adjoining or contiguous thereto; the whole Width of ſuch Fronts ſhall be borne and defrayed by the Commiſſioners for victualling His Majeſty's Navy for the Time being, and ſhall be paid to the ſaid Collector by the Agent for the ſaid Commiſſioners, commonly called *the Agent Victualler*, at *Portſmouth*, for the Time being; and ſuch Charges to be paid by the Storekeeper of His Majeſty's Ordnance at *Portſmouth* for the Time being, and by the Agent Victualler at *Portſmouth* for the Time being, ſhall be allowed to them reſpectively, and to the principal Officers of His Majeſty's Ordnance for the Time being, and to the Commiſſioners for victualling His Majeſty's Navy for the Time being, in all Accounts touching their reſpective Departments, and to all others whom it may concern: And in caſe the Storekeeper of His Majeſty's Ordnance at *Portſmouth* for the Time being, and the Agent Victualler at *Portſmouth* for the Time being, or either of them, ſhall neglect or refuſe to pay to the ſaid Collector the Charges hereby directed to be paid by them reſpectively for the Space of Thirty Days next after the ſame ſhall be demanded of them reſpectively, by Notice in Writing under the Hand of the ſaid Collector, to be delivered to, or left at, the reſpective Dwelling-houſes of the Storekeeper of His Majeſty's Ordnance at *Portſmouth* for

for the Time being, and the Agent Victualler at *Portſmouth* for the Time being; then, and in ſuch Caſe, the ſaid Charges, ſo neglected or refuſed to be paid, ſhall and may be levied by Diſtreſs and Sale of the Goods and Chattles of the Storekeeper of His Majeſty's Ordnance at *Portſmouth* for the Time being, and of the Agent Victualler at *Portſmouth* for the Time being, or either of them, ſo neglecting or refuſing to pay the ſame, by Warrant under the Hand and Seal, or Hands and Seals, of any One or more Juſtices of the Peace for the Borough of *Portſmouth*; and the Overplus of the Monies to be raiſed by Diſtreſs and Sale, (if any) after deducting the Charges attending the ſame, ſhall be returned to the ſaid Storekeeper or Agent Victualler, the late Owner or Owners of ſuch Goods and Chattels ſo taken and diſtrained, on Demand made thereof by him or them.

Who are deemed Occupiers.

And be it further enacted, That for the Purpoſes of this Act, the Storekeeper of His Majeſty's Ordnance at *Portſmouth* for the Time being ſhall be deemed the Occupier of ſuch of the ſaid Houſes, Storehouſes, Erections, Buildings, Lands, Tenements, and Hereditaments, in the ſaid Town, as are under the Direction, Inſpection, or Management, of the principal Officers of His Majeſty's Ordnance for the Time being, and the Agent Victualler at *Portſmouth* for the Time being ſhall be deemed the Occupier of ſuch of the ſaid Houſes, Storehouſes, Erections, Buildings, Lands, Tenements, and Hereditaments, in the ſaid Town, as are under the Direction, Inſpection, or Management, of the Commiſſioners for victualling His Majeſty's Navy for the Time being; and the Chamberlain of the ſaid Borough of *Portſmouth* for the Time being; ſhall be deemed the Occupier of the Town Gaol, and the ſaid Meſſuage adjoining thereto; and the Churchwardens of the ſaid Pariſh of *Portſmouth* for the Time being ſhall be deemed the Occupiers of the ſaid Church-yard, the ſaid Alms-houſes, and the ſaid Place called *Saint Mary's Burying Ground*, otherwiſe *Colewort Garden Burying Ground*; and the Overſeers of the Poor of the ſaid Pariſh of *Portſmouth* for the Time being ſhall be deemed the Occupiers of the ſaid Poor-houſe for the ſaid Pariſh of *Portſmouth*, and of every other

other Poor-houſe or Building hereafter to be erected for the ſaid Pariſh in the ſaid Town: And it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, in the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, ſo to be made by them as aforeſaid, to rate and aſſeſs the Storekeeper of His Majeſty's Ordnance at *Portſmouth* for the Time being, the Agent Victualler at *Portſmouth* for the Time being, the Chamberlain of the Borough of *Portſmouth* for the Time being, the Churchwardens of the Pariſh of *Portſmouth* for the Time being, and the Overſeers of the Poor of the ſaid Pariſh of *Portſmouth* for the Time being, as the Occupiers of the reſpective Premiſes, of which they are hereby declared to be the Occupiers reſpectively, according to the reſpective Rack-rents or full annual Values thereof: And if all, any, or either of ſuch Perſons, ſo to be rated or aſſeſſed, ſhall neglect or refuſe to pay the Money wherewith he or they ſhall be ſo rated or aſſeſſed for the Space of Thirty Days next after Demand made thereof, by Notice in Writing under the Hand of the ſaid Collector, to be delivered to, or left at, the reſpective Dwelling-houſes of him or them ſo neglecting or refuſing, the Rate or Aſſeſſment ſo neglected or refuſed to be paid ſhall and may be levied on the Perſon or Perſons hereby directed to be rated or aſſeſſed with the ſame, by Diſtreſs and Sale of his or their Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of any One or more Juſtice or Juſtices of the Peace for the Borough of *Portſmouth*, returning the Overplus (if any be) to the Owner or Owners on Demand, after all Charges paid.

Penalty on them for Neglect of Payment of Rates.

And whereas it may happen that the ſaid Houſes, Storehouſes, Erections, Buildings, Lands, Tenements, and Hereditaments, in the ſaid Town, now under the Management, Inſpection, or Direction, of the principal Officers of His Majeſty's Ordnance, and the Commiſſioners for victualling His Majeſty's Navy, may hereafter be under the Management, Inſpection, or Direction, of other publick Officers or Perſons than the ſame now are; be it therefore further enacted, That the Perſons hereby appointed and directed to pay the Charges and Expences, and the Monies

Who are to pay for Pavement before Premiſes belonging to the Ramparts.

to be aſſeſſed to the ſaid Rates or Aſſeſſments for or in reſpect of the ſaid Houſes, Storehouſes, Erections, Buildings, Lands, Tenements, and Hereditaments reſpectively, ſhall for ever hereafter pay and diſcharge the ſame, notwithſtanding any Alteration that may happen with reſpect to the Management, Inſpection, or Direction, of the ſaid Houſes, Storehouſes, Erections, Buildings, Lands, Tenements, and Hereditaments; and the ſame ſhall be allowed to them reſpectively, and to the principal Officers of His Majeſty's Ordnance for the Time being, and to the Commiſſioners for victualling His Majeſty's Navy for the Time being, in all Accounts touching their reſpective Departments, and to all others whom it may concern.

Expence of Pavements how to be rated.

And whereas ſeveral Streets, Courts, Lanes, Ways, Alleys, and publick Paſſages, in the ſaid Town, are bounded by the Rampart and Walls belonging to, or Part of, the Fortifications of the ſaid Town on the One Side, and ſeveral Houſes, Buildings, Gardens, Yards, Lands, Tenements, and Hereditaments, on the other Side, and it will be neceſſary to pave the ſaid Streets, Courts, Lanes, Ways, Alleys, and publick Paſſages; be it therefore enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to cauſe the ſaid Streets, Courts, Lanes, Ways, Alleys, and publick Paſſages, to be paved according to the Directions in this Act contained; and One Half of the Expences attending ſuch Pavements ſhall be borne and defrayed by the principal Officers of His Majeſty's Ordnance for the Time being, and the other Half of the ſaid Expences ſhall be borne and defrayed by the Owners of the ſeveral Houſes, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, on the other Side, according to the Width of their reſpective Fronts, ſuch Owner paying for the Pavement before the Front of his reſpective Premiſes to the Middle of the reſpective Street, Court, Lane, Way, Alley, or publick Paſſage, the whole Width of ſuch Front; and ſuch Expences ſo to be paid by the Owners of the ſaid Houſes, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, ſhall be paid by the Tenants or Occupiers

cupiers of such Houses, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, to the said Collector; and such Expences to be borne and defrayed by the principal Officers of His Majesty's Ordnance for the Time being, shall be paid by the Storekeeper of His Majesty's Ordnance at *Portsmouth* for the Time being to the said Collector; and, on Nonpayment thereof, or of any Part thereof, the same shall and may be recovered of the said Tenants or Occupiers, or the said Storekeeper respectively, in Manner herein-before directed for recovering the other Charges and Expences of the said Storekeeper, and all and every other Tenant or Occupier in the said Town respectively.

Not to be rated on Account of the Ramparts.

Provided always, That the principal Officers of His Majesty's Ordnance for the Time being, or the said Storekeeper for the Time being, shall not be rated or assessed to any Rate or Assessment to be made by virtue of this Act, for, or on account of the said Rampart or Walls, or either of them, or any Part of them, or either of them.

---

## Saltpetre.

*Anno* 1° Annæ, Cap. XIII.

*An Act for granting an Aid to Her Majesty by divers Subsidies, and a Land Tax.*

### SECT. CXIII.

WHEREAS the General Society, intitled to the Advantage given by an Act of Parliament for advancing a Sum not exceeding Two Millions, for the Service of the Crown of *England*, by a Covenant in the Charter to them granted by His late Majesty King *William* the Third, bearing Date the 3d Day of *September*, in the Tenth Year of His Reign, is obliged to furnish into Her Majesty's Stores (if demanded) Five hundred Tons of

Saltpetre, yearly, for the Firſt Coſts, Freight, Duties, and other Charges thereupon to be aſcertained in the Manner therein mentioned; and the *Engliſh* Company trading to the *Eaſt Indies*, as a Member of the ſaid General Society, is, by a Covenant in the Charter granted to the ſaid Company, bearing Date the 5th Day of *September*, in the Tenth Year of the Reign of His ſaid late Majeſty King *William*, obliged to furniſh yearly a proportionable Part of the ſaid Five hundred Tons, (if demanded); and the Governor and Company of Merchants of *London* trading to the *Eaſt Indies*, alſo as a Member of the ſaid General Society, are obliged to furniſh, yearly, another Proportion of the ſaid Five hundred Tons, (if demanded); and the particular Members of the ſaid General Society (other than the ſaid Companies) are obliged to furniſh, yearly, the Remainder of the ſaid Five hundred Tons, (if demanded), for the Coſts, Freight, Duties, and other Charges aforeſaid: And whereas the ſaid Governor and Company of Merchants of *London* trading to the *Eaſt Indies*, and the ſaid *Engliſh* Company, have agreed to unite their Capital Stock in the ſaid Two Millions, and trade to the *Eaſt Indies* and other Parts, within the Limits of their Charters, whereunto they ſeverally are intitled under an Act of Parliament of the 9th of His ſaid late Majeſty's Reign, intituled, *An Act for raiſing a Sum not exceeding Two Millions, upon a Fund for Payment of Annuities after the Rate of Eight* per Centum per Annum, *&c.* whereupon a new Charter is intended to be granted; now it is enacted, That, from the 29th Day of *September* 1701, until the ſaid Union ſhall be perfected, Four hundred and ninety-four Tons and One Quarter, of good, clean, mercantible Saltpetre, ſhall yearly (if demanded) be delivered into the Stores of Her Majeſty, Her Heirs and Succeſſors, at the certain Price herein-after limited; (that is to ſay), By the ſaid Governor and Company of Merchants of *London* trading to the *Eaſt Indies*, for their Proportion, Seventy-eight Tons and Three Quarters, and by the ſaid *Engliſh* Company Four hundred and fifteen Tons and an Half; and that after the ſaid Union, and during the Continuance thereof, in a joint Management, Four hundred and

After the 29th *September* 1701, until the Union of the Two *Eaſt India* Companies, Four hundred and ninety-four Tons and a Quarter of Saltpetre ſhall be delivered into the King's Stores;

and after the ſaid Union, Four hundred and ninety-four Tons and a Quarter yearly.

and ninety-four Tons and One Quarter of ſuch Saltpetre, ſhall yearly (if demanded) be delivered into the ſaid Stores, by the ſaid *Engliſh* Company, and its Succeſſors, out of the ſaid United Trade; and after the Determination of ſuch joint Management, then by the ſaid *Engliſh* Company ſingly, during ſo long Time as the ſaid *Engliſh* Company ſhall have Power to trade to the *Eaſt Indies* under the ſaid Act of Parliament; and that, in like Manner, from 29th *September* 1701, the Quantity of Five Tons and three Quarters, of good, clean, and mercantible Saltpetre, ſhall yearly (if demanded) be delivered into the ſaid Stores, at the ſame certain Price, by the other Members of the ſaid General Society for the Time being.

Price of Saltpetre.

SECT. CXIV. That the Price of all the ſaid Saltpetre, to be ſerved in Time of Peace, ſhall be 45 *l.* per Ton, and in Time of War, 53 *l.* per Ton; and that upon refining the Saltpetre, whether it be White or Brown, if the Refraction be above Fifteen Pound Weight in every One hundred and twelve Pound Weight, then the Overplus of ſuch Refraction, at the Rate aforeſaid, ſhall be repaid to Her Majeſty, by the ſaid Companies and Members reſpectively, out of the ſaid Price; and if the Refraction be under Fifteen Pound Weight in every One hundred and twelve Pounds Weight, then the ſaid Companies, and other Members of the ſaid General Society, ſhall be allowed at the Price aforeſaid ſo much more as the Difference between the real Refraction and the ſaid ſtated Refraction of 15 *l.* *per Cent.* ſhall amount to.

Companies to be obliged by Covenant to deliver their Proportions at the Price by this Act limited.

SECT. CXV. That in any Charter to be granted to the ſaid Companies, or either of them, they ſhall be obliged by Covenant to deliver their Proportions of the ſaid Saltpetre, being paid for the ſame at the certain Price aforeſaid, according to this Act, inſtead of the Quantities which the ſaid Two Companies, or either of them, or the ſaid particular Members by the ſaid former Charters are obliged to furniſh, for the Firſt Coſt, Freight, Duties, and other Charges, as aforeſaid.

# Seamen.

*Anno* 22° & 23° Car. II. Cap. XXIII.

*An Act to revive an Act to prevent the Disturbance of Seamen and others, and to preserve the Stores belonging to His Majesty's Navy Royal, with some Alterations and Additions.*

## SECT. II.

RECites, That the Act of 19 *Car.* II. *c.* 7. is found useful, it is enacted, That all the said Act, (excepting the Clause about Administration and Probate of Wills, *&c.*) shall have full Force of an Act during the Continuance of this Act.

Of Persons carrying Naval Goods.

SECT. III. Recites, That whereas ill-disposed Persons, upon Pretence of carrying His Majesty's Naval Goods, Provisions, *&c.* from His Majesty's Yards, Wharfs, *etc.* to His Majesty's Ships, or such Persons as are employed to re-carry or remove from the said Ships, such Naval Goods, Provisions, *etc.* to His Majesty's Yards and Wharfs, *etc.* do frequently embezzle, steal, and carry them away, where they cannot be found, and remove themselves to Places unknown before they can be convicted thereof, by reason Witnesses that should prove the Fact are bound forth to Sea, or otherwise employed.

No Person shall embezzle any of His Majesty's Naval Goods, Victuals, &c.

SECT. IV. That Justice may be more speedily done, it is enacted, That the Treasurer, Comptroller, Surveyor, Clerk of the Acts, and Commissioners of the Navy, or One or more of them, where any Goods, in being carried from His Majesty's Yards, Wharfs, Storehouses, or other Places, to His Ships, or re-carried, shall be embezzled, and the Value thereof be under Twenty Shillings, may, upon the Oaths of Two or more Witnesses, or other legal Proof, convict the Offenders, by Writing under Hand and Seal, and impose such Fine as they shall think fit, not exceeding Double the Value of the Goods embezzled; to be levied by Distress

Penalty.

and

and Sale of Goods; and if no ſufficient Diſtreſs can be found, the Offender may be impriſoned in the next Gaol for any Time not exceeding Three Months, without Bail or Mainprize.

Power to enter any Ship and ſearch for ſtolen Stores.

SECT. V. The ſaid Officers and Commiſſioners, or One or more of them, upon Oath of Two or more Witneſſes, that any of His Majeſty's Stores and Naval Proviſions are conveyed into any Veſſel, and not ready to ſail that Tide, or any Perſon by their Warrant ſpecifying the Quantity or Quality of ſuch Goods, may, in the Preſence of any known Officer of the Admiralty, go on Board any ſuch Veſſel, and, if Reſiſtance be made, upon Demand, break upon the Hatches and other Places of the Ship, and ſearch for ſuch Stores, *etc.* and ſeize and carry them away; to be applied to the Kings Uſe, unleſs the ſaid Officers and Commiſſioners ſhall find they were unduly ſerved.

Power given to adminiſter an Oath.

SECT. VIII. The ſaid Officers and Commiſſioners, *etc.* or any One of them, may adminiſter an Oath in any Caſe relating to His Majeſty's Treaſury, Victuals, Stores, *etc.*

General Liberty given to execute their Power.

SECT IX. The ſaid Officers and Commiſſioners, *etc.* may execute the Powers given by this Act, as well within Liberties as without.

The Act 22 *Car.* II. *c.* 5. confirmed.

SECT. XI. Nothing in this Act ſhall repeal or change any Clauſe or Matter in the Act made 22 *Car.* II. for taking away the Benefit of the Clergy from ſuch as ſteal Cloth from the Rack, and from ſuch as ſhall ſteal or embezzle His Majeſty's Ammunition and Stores; the Lord High Admiral may execute all the Power hereby given.

No Offender againſt this Act ſhall be twice puniſhed.

SECT. XIII. None puniſhed by this Act ſhall be puniſhed for the ſame Offence by any other Law.

SECT. XIV. To continue for Seven Years, and to the End of the next Parliament.

Continued *per* Statute 1 *Jac.* II. *c.* 17. with the Alteration, *etc.*; and *per* Statute 4th & 5th *Gul. & Mar.* Seſ. 4. *c.* 24. § 8. from 13th *February* 1692, for Seven Years, and to the End of the next Parliament.

Continued

Continued *per* Statute, 11 & 12 *Gul.* III. *c.* 13. to 1707, and to the End of the next Parliament.

*N. B.* The Two foregoing Acts of 16 *Car.* II. *c.* 5. and 22 & 23 *Car.* II. *c.* 23. relate principally to the Navy.

# Ships of War.

*Anno* 6° Geo. Cap. XIX.

*An Act for making perpetual ſo much of the Act, made in the Tenth Year of Queen* Anne, *for the reviving and continuing ſeveral Acts therein mentioned; and alſo an Act of the* 11*th and* 12*th of* William III. *for the more effectual Suppreſſion of Piracy; and for making more effectual the Act of* 13 Car. II. intituled, *An Act for eſtabliſhing Articles and Orders for the regulating and better Goverment of His Majeſty's Ships of War, and Forces by Sea.*

## SECT. IV.

Offences againſt the Act 13 *Car.* II. *c.* 9. committed on the Shore in Foreign Parts triable and punishable as if committed on the main Sea.

FNacted, That if any Perſon, after the 1ſt of *January*, 1720, who ſhall be in actual Service and Pay in His Majeſty's Fleet, or Ships or Veſſels of War, ſhall commit any of the Crimes or Offences mentioned in the ſeveral Articles contained in the Act 13 *Car.* II. for eſtabliſhing Articles and Orders for the regulating and better Government of His Majeſty's Ships of War, and Forces by Sea, upon the Shore in any Foreign Parts, the Perſon ſo offending ſhall be ſubject to be tried and puniſhed for the ſame, as if the Crimes or Offences had been actually committed upon the main Sea, or on Board any of His Majeſty's Ships or Veſſels of War.

# Squibs.

*Anno* 9° & 10° Gul. III. Cap. VII.

*An Act to prevent throwing and firing Squibs, Serpents, and other Fireworks.*

## SECT. I.

No Perſon whatſoever ſhall make, ſell, &c. Squibs, Rockets, Serpents, &c. or throw or fire the ſame.

AFter the 25th *March*, 1698, no Perſon, of what Age, Sex, Degree, or Quality, ſhall make, ſell, utter, or expoſe to Sale, any Squibs, Rockets, Serpents, or other Fireworks, or Implements for the making of ſuch Fireworks, or permit any ſuch to be thrown or fired out of or in their Houſes into any Publick Street, Highway, Road, or Paſſage, or throw, or fire, or be aiding in throwing or firing, any ſuch Fireworks; ſuch Offences ſhall be adjudged a Common Nuiſance.

Every ſuch Offence adjudged a Common Nuiſance.

Penalty on Perſons throwing or firing Squibs, &c.

SECT. II. Any Perſon, as aforeſaid, who ſhall make, give, ſell, or utter or expoſe to Sale, any ſuch Fireworks, or Implements for the making thereof, and be convicted thereof before One or more Juſtice or Juſtices of the Peace of the County, or Chief Magiſtrate of the Place, by Confeſſion of the Party, upon Oath of Two Witneſſes, ſhall, for every ſuch Offence, forfeit 5 *l.*; and any Perſon who ſhall permit any ſuch Fireworks to be thrown or fired from out of or in their Houſes into any publick Street, Highway, or any Place whatſoever, ſhall, upon Conviction, as aforeſaid, forfeit 20 *s.*; to be levied by Diſtreſs and Sale of the Goods and Chattels of the Offender, Half to the Poor of the Pariſh, and the other to the Proſecutor.

Forfeitures how to be levied and applied.

Offenders not paying Forfeitures to be committed to the Houſe of Correction.

SECT. III. Any Perſon as aforeſaid, who ſhall throw or fire, or aſſiſt in throwing or firing, any ſuch Fireworks, ſhall, upon Conviction as aforeſaid, forfeit 20 *s.* to the Uſes aforeſaid, or be ſent to the Houſe of Correction, there to be kept to hard Labour for any Time not exceeding One Month, unleſs ſuch Offender ſooner pay ſuch Forfeiture.

SECT. IV. Maſter, Lieutenant, or Commiſſioners of the Ordnance, or any authoriſed by them, may give Orders for making of any Sort of Fireworks, to be uſed and fired according to the Orders and Directions of the Maſter, Lieutenant, or Commiſſioners of the Ordnance, or any Perſon authoriſed by them for that Purpoſe.

Officers of the Ordnance may order the making of Fireworks, &c.

SECT. V. The Artillery Company of the City of *London*, or any other Artillery Company, or Society of Perſons lawfully met together, for the Uſe and Exerciſe of Arms, the Trained Bands, and Militia of the Kingdom, may make and uſe any Sorts of Fireworks in the Exerciſe of Arms, and Warlike Exploits, as they might lawfully have done before the making of this Act.

Artillery Company of *London* may uſe any Sorts of Fireworks in the Exerciſe of Arms, &c.

SECT. VI. Perſons ſued for putting this Act in Execution may plead the General Iſſue, and give the Special Matter in Evidence; and if the Plaintiff be nonſuit, or diſcontinue, or a Verdict paſs, or Judgement for the Defendant, ſhall have Treble Coſts.

Perſons ſued may plead the General Iſſue.

---

# Stores.

*Anno* 31° Eliz. Cap. IV.

*An Act againſt embezzeling of Armour, Habiliments of War, and Victual.*

## SECT. I.

TO embezzle Twenty Shillings Worth of the Queen or Her Succeſſors Ordnance, Ammunition, or Victuals, provided for War, for Lucre, or with Purpoſe to hinder the Service, is adjudged Felony, if proſecuted within the Year.

Embezzeling the Queen's Ordnance, Armour, or Victuals, to the Value of 20 *s.* ſhall be Felony.

SECT. II. This Offence ſhall not cauſe Corruption of Blood, nor loſs of Dower, only the Offender ſhall forfeit his Lands during his Life.

No Corruption of Blood for this Felony.

*Anno* 16° Car. II. Cap. V.

*An Act to prevent the Diſturbance of Seamen and others, and to preſerve the Stores belonging to His Majeſty's Royal Navy.*

SECT. I.

Recites of Diſturbances in the Navy Yard.

RECITES, That divers Fightings, Quarrels, *etc.* do often happen in His Majeſty's Yards, Offices, *etc.* belonging to the Navy, and frequent Diſorders happen in the Office of the Treaſury of the Navy on Pay Days in *London*, &c. either by Turbulency of Seamen, or Rudeneſs of Officers, when queſtioned by the Commiſſioners about the Embezzlement of Stores, Proviſions, *etc.*

Who may puniſh Offenders.

SECT. II. Enacted, That the Treaſurer, Comptroller, Surveyor, Clerk of the Acts, and Commiſſioners of the Navy, for the Time being, or any Two or more of them, have Power to examine and puniſh all ſuch Offenders or Perſons, whom they upon their Inquiry or Examination, or in View in their Preſence, ſhall find hereafter to make, or have made, any Diſturbance, Fighting, or Quarrelling, in the Yards or Offices aforeſaid, on Pay Days, or on other Occaſions, relating to the Naval Services, as follows, *viz.*

Puniſhment

they, or any Two of them, may puniſh any of the ſaid Offenders, by Fine, Impriſonment, or either of them, the Fine not exceeding 20*s.* and the Impriſonment not exceeding One Week, and have Power to commit to next Gaol, or to Meſſenger attending on them.

Power to diſcharge Fine, and to impriſon for Nonpayment.

SECT. III. The Commiſſioners, or the greater Part of them then preſent, have Power to diſcharge the ſaid Fine or Impriſonment, if they ſhall think fit; and for Nonpayment to Impriſon the Party offending till paid; to be paid to the Uſe of the Cheſt at *Chatham*; the Proceedings to be on Oath.

Proceedings on Oath.

Binding to good Behaviour.

SECT. IV. That the Officers, or any Two of them, (in caſe of Need for greater Example), may bind to good Behaviour, with or without Securities, as Occaſion ſhall be.

SECT. V.

SECT. V. Whereas His Majeſty's Stores, *etc.* belonging to the Navy are embezzled or filched away, it is enacted, That the ſaid principal Officers and Commiſſioners, or any Two or more of them, by Warrant under their Hands and Seals, have Power, in like Manner, to inquire and ſearch for the ſame in all Places, as Juſtices of the Peace may do in Caſes of Felony, and puniſh the Offenders, by ſuch Fine and Impriſonment, as aforeſaid, and cauſe the Goods to be brought in again; if the Offence be of ſuch a Nature as to require higher Puniſhment, then, that they, or any Two or more of them, may commit the Offender to Jail, or to the Cuſtody of their Meſſenger, till the Offender enter into Recognizance, with Sureties, according to the Nature of the Offence, to appear and anſwer the ſame in the Exchequer, or other Court where His Majeſty ſhall queſtion him or them for the ſame, within One Year next following.

Commiſſioners Power as to the embezzeling King's Stores.

The Commiſſioners, or any Two of them, may put in Execution this Act, as well within Liberties as without.

Power of Commiſſioners within Liberties.

This Act to continue from the 1ſt *June* 1664, for Two Years, and from thence to the End of the next Seſſion of Parliament; continued by 19 *Car.* II. *cap.* 7. for Two Years longer, which is the ſame as the Statute 16 *Car.* II. *cap.* 5. excepting One Clauſe, which relates to Adminiſtrations and Probates of Wills, *etc.* and is therefore omitted.

---

*Anno* 22° Car. II. Cap. V.

*An Act for the taking away the Benefit of Clergy from ſuch as ſteal Cloth from the Rack, and from ſuch as ſteal or embezzle His Majeſty's Ammunition and Stores.*

SECT. III.

NO Perſon who ſhall be indicted for any Offence againſt the 31ſt of *Eliz. cap.* 4. or ſhall feloniouſly ſteal or embezzle any of the King's Naval Stores to the Value of 20*s.* and be found Guilty, or ſhall confeſs the ſame, or not anſwer according to Law, or ſtand Mute, or challenge peremptorily

Perſons ſtealing Cloth from the Rack, or embezzeling His Majeſty's Stores to the Value of 20*s.* excluded from the Benefit of Clergy.

peremptorily above Twenty, or be outlawed, ſhall have their Clergy.

Judges may reprieve or tranſport them, Death afterwards to thoſe who return.

SECT. IV. But the Court may grant a Reprieve, or tranſport the Offender for Seven Years; but if he refuſe or return, he ſhall be executed.

---

*Anno* 9° & 10° Gul. III. Cap. XLI.

*An Act for the better preventing the Embezzlement of His Majeſty's Stores of War.*

Preamble.

WHEREAS notwithſtanding divers good Laws, made and enacted for the preventing of the ſtealing and Embezzlement of His Majeſty's Stores of War and Naval Stores, thoſe Frauds, Thefts, and Embezzlements, are frequently practiſed, and the convicting ſuch Offenders is rendered difficult and impracticable, by reaſon it rarely happens that direct Proof can be made of ſuch Offenders immediate taking, embezzeling, or carrying away, any of His Majeſty's ſaid Stores of War, and Naval Stores, out of, or from His Majeſty's Storehouſes, Docks, Yards, Ships, Ordnance, or other Places for keeping and preſerving the ſame, but only that ſuch Goods are marked with the King's Mark, and found in the Cuſtody and Poſſeſſion of the ſaid Perſon accuſed for ſtealing or embezzeling the ſame to the great Encouragement of ſuch wicked Offenders, and to His Majeſty's and the Kingdom's great Damage: For preventing ſuch ſaid Embezzlements for the future, and for the more effectual Execution of the Laws and Statutes already in Force againſt ſuch Embezzlements and Thefts; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in Parliament aſſembled, and by the Authority of the ſame, That from and after the 24th *June*, 1698, it ſhall not be lawful to or for any Perſon or Perſons whatſoever, other than Perſons authoriſed by contracting with His Majeſty's principal Officers, or Commiſſioners of the Navy, Ordnance, or Victualing Office, for His

No Warlike or Naval Stores, except for the King's Uſe, ſhall be made with the King's Marks, &c.

His Majeſty's Uſe, to make any Stores of War or Naval Stores whatſoever, with the Marks uſually uſed to, and marked upon, His Majeſty's ſaid Warlike and Naval or Ordnance Stores; that is to ſay, Any Cordage of Three Inches and upwards, wrought with a white Thread laid the contrary Way, or any ſmaller Cordage, *viz.* from Three Inches downwards with a Twine in lieu of a white Thread laid the contrary Way, as aforeſaid; or any Canvas, wrought or unwrought, with a Blue ſtreak in the Middle; or any other Stores with the Broad Arrow, by Stamp, Brand, or otherwiſe, upon Pain that every ſuch Perſon or Perſons who ſhall make ſuch Goods ſo marked as aforeſaid, not being a Contractor with His Majeſty's principal Officers, or Commiſſioners of the Navy, Ordnance, or Victuallers, for His Majeſty's Uſe, or employed by ſuch Contractor for that Purpoſe, as aforeſaid, ſhall, for every ſuch Offence, forfeit ſuch Goods, and the Sum of Two hundred Pounds, together with Coſts of Suit, One Moiety whereof ſhall be to His Majeſty, and the other Moiety to the Informer; to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Records at *Weſtminſter*, wherein no Eſſoin, Privilege, Protection, Wager of Law, Injunction, or Order of Reſtraint, nor more than One Imparlance, ſhall be allowed. Penalty.

And be it further enacted by the Authority aforeſaid, That ſuch Perſon or Perſons, in whoſe Cuſtody, Poſſeſſion, or Keeping, ſuch Goods or Stores, marked as aforeſaid, ſhall be found, not being employed as aforeſaid, and ſuch Perſon or Perſons who ſhall conceal ſuch Goods or Stores marked as aforeſaid, being indicted and convicted of ſuch Concealment, or of the having ſuch Goods found in his Cuſtody, Poſſeſſion, or Keeping, ſhall forfeit ſuch Goods, and the Sum of Two hundred Pounds, together with the Coſts of Proſecution; One Moiety to His Majeſty, and the other Moiety to the Informer, to be recovered as aforeſaid; and ſhall alſo ſuffer Impriſonment until Payment and Performance of the ſaid Forfeiture, unleſs ſuch Perſon ſhall, upon his Trial, produce a Certificate under the Hand of Three or more of His Majeſty's principal Officers, or Commiſſioners Penalty on Perſons in whoſe Cuſtody ſuch marked Stores are found, &c.

unleſs he produce a Certificate, &c. as by 9 *Geo.* I. *c.* 8. *ſec.* 3, 4.

Commiſſioners of the Navy, Ordnance, or Victuallers, expreſſing the Numbers, Quantities, or Weights, of ſuch Goods as he or ſhe ſhall then be indicted for, and the Occaſion and Reaſon of ſuch Goods coming to his or her Hands or Poſſeſſion.

Commiſſioners of the Navy, Ordnance, &c. may ſell any of the ſaid Stores ſo marked, &c.

Provided alſo, and be it further enacted by the Authority aforeſaid, That the ſaid principal Officers, or Commiſſioners of the Navy, Ordnance, or Victualing Office, for the Time being, may ſell and diſpoſe of any of the Stores aforeſaid, ſo marked as aforeſaid, as they did or might have done before the making of this Act; and that ſuch Perſon or Perſons as heretofore have, or ſhall hereafter buy any ſuch Stores, or other Stores, ſo marked as aforeſaid, of the ſaid principal Officers, or Commiſſioners, or by their Order, may keep and enjoy the ſame, without incurring the Penalty of this Act, or any Law to the Contrary whatſoever, upon producing a Certificate or Certificates, under the Hand and Seal of Three or more of the ſaid principal Officers, or Commiſſioners of the Navy, Ordnance, or Victualling Office, that they bought ſuch Goods from them the ſaid principal Officers, or Commiſſioners, or from ſuch Perſon or Perſons as did buy the ſaid Stores from the ſaid principal Officers, or Commiſſioners, at any Time before ſuch Stores were found in their Cuſtody; in which Certificate or Certificates the Quantitities of ſuch Stores ſhall be expreſſed, and the Time when and where bought of the ſaid Commiſſioners, who, or any Three or more of them for the Time being, are thereby impowered and directed, from Time to Time, to give to ſuch Perſon or Perſons who ſhall deſire the ſame, and have bought, and ſhall hereafter buy, any of the aforeſaid Stores, within Thirty Days after the Sale and Delivery of the ſaid Stores ſo ſold, or to be ſold, as aforeſaid.

Buyer to have a Certificate thereof, *etc.*

Quantities to be expreſſed.

And, for the better Encouragement of ſuch Perſons who ſhall make Seizures or Diſcoveries of any ſuch Stores embezzled or ſtolen, be it enacted by the Authority aforeſaid, That in caſe any Perſon or Perſons ſhall be ſued or proſecuted for by reaſon of their diſcovering or ſeizing any ſuch Stores or Goods ſo marked as aforeſaid, that, in every ſuch

Caſe, ſuch Perſons ſo ſued or proſecuted may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence; and in caſe that, upon the Trial of ſuch Iſſue, the Defendant ſo ſued ſhall make Proof that ſuch Goods or Stores, ſo diſcovered or ſeized by them, were ſo marked as aforeſaid, and that the Plaintiffs or Proſecutors, in ſuch Suit or Proſecution, ſhall not, at ſuch Trial, make good Proof that they were ſo employed, or had ſuch Certificate as aforeſaid, before ſuch Diſcovery and Seizure made, and that they did ſhew the ſame unto ſuch Defendants before ſuch Suit or Proſecution commenced or brought, ſuch Defendant ſhall be acquitted, and found not guilty thereupon, unleſs ſuch Defendant, upon Sight of ſuch Certificate, did not deliver back unto ſuch Plaintiffs or Proſecutors, at their Requeſt, or otherwiſe, all ſuch Goods and Stores ſo ſeized, in as good Plight and Condition as they were at the Time of ſuch Certificate ſhewn; and in caſe any ſuch Defendants ſhall be ſo or otherwiſe acquitted on ſuch Trial, and that ſuch Plaintiffs or Proſecutors ſhall diſcontinue ſuch their Suit or Proſecution, or be nonſuited therein, ſuch Defendants ſhall recover Treble Coſts.

Perſons ſued may plead the General Iſſue, *etc.*

Provided always, and be it further enacted by the Authority aforeſaid, That nothing in this Act contained ſhall be conſtrued to hinder any of the principal Officers and Commiſſioners of the Navy, or any Chief Commander of any of His Majeſty's Ships at Sea, to lend any of His Majeſty's Stores to any Merchant Ship or Veſſel in Diſtreſs, or otherwiſe, as might lawfully be done before the making of this Act, in caſe ſuch Goods ſo lent be reſtored with all poſſible Conveniency; and provided ſuch Perſon or Perſons ſo borrowing the ſaid Stores from Time to Time have ſuch Certificate as aforeſaid, which the ſaid principal Officers and Commiſſioners of the Navy, or Commander in Chief, are hereby required to give to the Party or Parties that ſhall ſo borrow the ſame.

King's Stores may be lent to any Ship in Diſtreſs,

ſo they be reſtored.

Borrower to have a Certificate.

This made a Publick Act by 1 *Geo.* I. *ſeſ.* 2. *cap.* 25. § 14.

*Anno*

*Anno* 1° Geo. Cap. XXV.

*An Act to prevent Diſturbance of Seamen and others, and t preſerve the Stores belonging to His Majeſty's Navy Royal; and alſo for explaining an Act for the better preventing the Embezzlement of His Majeſty's Stores of War*, &c.

## SECT. III.

The Commiſſioners of the Navy impowered to enquire of the Embezzlement of Naval Stores, and puniſh Offenders.

THE Treaſurer, Comptroller, Surveyor, or Clerk of the Acts, and Commiſſioners of the Navy, or any One or more of them, ſhall have Power to inquire, and, by Warrant under their Hand and Seal, to impower any Perſon to ſearch for embezzled Stores, *&c.* in all Places as Juſtices of the Peace may do in Caſe of Felony, and puniſh by Fine and Impriſonment the Value of the Goods not exceeding 20 *s.* and cauſe the Goods to be brought in again; and if the Offence be of ſuch a Nature as requires a ſeverer Puniſhment, then they may commit ſuch Offender to the next Gaol, *&c.* till he enter into Recognizance with Sureties to appear and anſwer the ſame in the Court of Exchequer, and other Court where His Majeſty ſhall queſtion him, within One Year following, on Proceſs duly ſerved on ſuch Offender.

Perſons embezzeling Stores to the Value of 20 *s.* to be fined; and the Fine to be levied by Diſtreſs, and for Want thereof, Impriſonment for Three Months.

SECT. IV. The ſaid Treaſurer, *&c.* where the Value of the Goods embezzled, or carried away from His Majeſty's Yards, *etc.* ſhall be under the Value of 20 *s.* ſhall have full Power, on the Oath of One Witneſs, or Confeſſion, to convict, and impoſe ſuch Fine as to them ſhall ſeem meet, not exceeding Double the Value; to be levied by Diſtreſs, and for want of ſuch Diſtreſs to commit to the next Gaol, not exceeding Three Months, without Bail or Mainprize.

Power given to ſearch for and ſeize embezzled Stores.

SECT. V. May authoriſe any Perſon or Perſons to ſearch Ships for ſuch Goods, *etc.* and ſeize the ſame for the King's Uſe, unleſs the ſaid Officers ſhall find upon hearing the Matter, that they were unduly ſeized.

Punishment for counterfeiting the Hand of the Treasurer.

SECT. VI. Counterfeiting or producing any counterfeit Bill or Ticket, whereby the naval Treasure may be disposed, *etc.* to be committed to Prison till he find Sureties for Appearance at the next Quarter Sessions.

Persons convicted of any of the Crimes in the Act of the 9 & 10 *Will.* III. *c.* 41. shall be liable to the Punishment thereby inflicted, over and above the Penalties by any other Law inflicted.

SECT VII. All Persons, their Aiders and Abettors, that shall be convicted of any of the Crimes in the Act 9 & 10 *Will.* III. *c.* 41. shall, for every such Crime, over and above the Penalties inflicted by any other Laws now in Force, be liable to the Penalties inflicted by the said Act.

Judge may mitigate the Penalties.

SECT. VIII. The Judge, *etc.* before whom any such Offender shall be convicted, may mitigate the Penalties by the same Act imposed, according to his Discretion, or punish by publick Whipping, or committed to a Workhouse for Three Months or less.

Lord High Admiral, may administer Oaths relating to the receiving the King's Treasure, Provisions, &c.

SECT. IX. Lord High Admiral, *etc.* may administer Oaths relating to the receiving and accounting for any Stores, *etc.* or for the Preservation of due Order therein, or in any other Matter relating to the Navy.

General Power given.

SECT. X. May execute Powers as well within Liberties as without.

SECT. XI. Nothing herein shall repeal, alter, or make void any the Clauses, *etc.* in the Act 22 *Car.* II. *c.* 5. but the same shall remain in full Force and Virtue.

SECT. XII. All the said Powers may be executed by the Admiralty of *Great Britain.*

SECT. XIII. No Person punished by virtue of this Act, shall be punished by any other Law for the same Offence.

SECT. XIV. This Act, and the Act of 9 *Will.* III. *c.* 41. shall be deemed publick Acts.

SECT. XV. All Convictions and Judgements in pursuance of this Act shall be final.

Persons sued may plead the General Issue.

SECT. XVI. If any Person be sued for doing any Thing in pursuance of this Act, or of the said Act 9 *Will.* III. he may plead the General Issue, and have Double Costs.

Duration of this Act.

SECT. XVIII. To continue for Five Years, and to the End of the next Session of Parliament.

Made perpetual by 9 *Geo. c.* 8.

## *Anno* 9° Geo. Cap. VIII.

*An Act for continuing ſome Laws, and reviving others therein mentioned, for exempting Apothecaries from ſerving Pariſh and Ward Offices, and upon Juries, and relating to Juries; and to the Payment of Seamen's Wages, and Preſervation of Naval Stores, and Stores of War; and concerning the Militia, and Trophy Money; and againſt clandeſtine running of uncuſtomed Goods; and for more effectual preventing Frauds relating to the Cuſtoms, and Frauds in mixing Silk with Stuffs to be exported.*

The 1 *Geo. c.* 25. made perpetual.

ENACTED, That the 1 *Geo. c.* 25. relating to the Payment of Seamen's Wages, and the Preſervation of Naval Stores, and Stores of War, ſhall be revived from the 25th *March* 1723, and made perpetual.

Perſons convicted of having in their Cuſtody any Timber, *&c.* marked with the Broad Arrow, or of concealing Timber, *&c.* ſo marked, puniſhable according to the Act of 9 & 10 *Will.* III. *c.* 41.

That if any Perſon ſhall be convicted of having in his Cuſtody any Timber, Thick Stuff, or Plank, marked with the Broad Arrow, or of concealing any ſuch Timber, *etc.* he ſhall forfeit and pay as for having or concealing any other Warlike, Naval, and Ordnance Stores, contrary to the Act of the 9th & 10th of *Will.* III. *c.* 41.

Judge or Juſtice may mitigate the Penalty.

Any Judge or Juſtice before whom any Offenders ſhall be convicted may mitigate the Penalty, and commit the Offenders to the common Gaol, without Bail or Mainprize, till Payment of the Forfeiture, or may ſend them to be publickly whipped, or committed to ſome publick Workhouſe for Six Months, at his Diſcretion.

Judge may determine any Diſpute ariſing about the Forfeitures.

Where any Diſpute ſhall ariſe between the Perſons on whoſe Informations any Perſons ſhall be proſecuted and convicted, touching any Right to any of the Forfeitures, the Judge or Juſtice, before whom the Offender was committed, ſhall examine the Matter, and finally determine the ſame.

*Anno*

## *Anno* 17 Geo. II. Cap. XL.

*An Act to explain,* inter alia, *Two Acts, relating to the Proſecution of Offenders for embezzeling Naval Stores, or Stores of War,* &c.

### SECT. X.

WHEREAS by an Act, made in the Ninth and Tenth Years of the Reign of King *William* the Third, intituled, *An Act for the better preventing the Embezzlement of His Majeſty's Stores of War; and preventing Cheats, Frauds, and Abuſes, in paying Seamen's Wages;* it is enacted, That from and after the 24th Day of *June* 1698, it ſhall not be lawful to or for any Perſon or Perſons whatſoever, other than Perſons authoriſed, by contracting with His Majeſty's principal Officers or Commiſſioners of the Navy, Ordnance, or Victualling Office, for His Majeſty's Uſe, to mark any Stores of War, or Naval Stores whatſoever, with the Marks uſually uſed to, and marked upon, His Majeſty's ſaid Warlike and Naval or Ordnance Stores, (in the Manner as in the ſaid Act is deſcribed), or any other Stores, with the Broad Arrow, by Stamp, Brand, or otherwiſe, upon Pain that every ſuch Perſon or Perſons, who ſhall make ſuch Goods ſo marked, as in the ſaid Act mentioned, not being a Contractor with His Majeſty's principal Officers, or Commiſſioners of the Navy, Ordnance, or Victualling, for His Majeſty's Uſe, or employed by ſuch Contractor for that Purpoſe, as aforeſaid, ſhall, for every ſuch Offence, forfeit ſuch Goods, and the Sum of 200 *l.* together with Coſts of Suit, One Moiety whereof ſhall be paid to His Majeſty, and the other Moiety to the Informer; to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein no Eſſoin, Privilege, Protection, Wager of Law, Injunction, or Order of Reſtraint, nor more than One Imparlance, ſhall be allowed.

9 & 10 *Will.* III. *c.* 41. to prevent embezzeling Stores, &c.

And it is thereby further enacted, That ſuch Perſon or Perſons, in whoſe Cuſtody, Poſſeſſion, or keeping, ſuch

Penalty on Perſons concealing Stores.

Goods or Stores, marked as aforeſaid, ſhall be found, not being employed as aforeſaid, and ſuch Perſon or Perſons who ſhall conceal ſuch Goods or Stores, marked as aforeſaid, being indicted and convicted of ſuch Concealment, or of the having ſuch Goods found in their Cuſtody, Poſſeſſion, or keeping, forfeit ſuch Goods, and the Sum of 200 *l.* together with the Coſts of Proſecution, One Moiety to His Majeſty, and the other Moiety to the Informer; to be recovered as aforeſaid, and ſhall alſo ſuffer Impriſonment until Payment and Performance of the Forfeiture, unleſs ſuch Perſon ſhall, upon his Trial, produce a Certificate, under the Hands of Three or more of His Majeſty's principal Officers, or Commiſſioners of the Navy, Ordnance, or Victualling, expreſſing the Numbers, Quantities, or Weights, of ſuch Goods, as he or ſhe ſhall then be indicted for, and the Occaſion and Reaſon of ſuch Goods coming to his or her Hands or Poſſeſſion.

Act 9 *Geo.* I. recited, c. 8.

And whereas by another Act, made in the Ninth Year of the Reign of His late Majeſty King *George* the Firſt, intituled, *An Act for continuing ſome Laws, and reviving others therein mentioned, and the Preſervation of Naval Stores, and Stores of War*, &c. the aforeſaid Act of King *William* is recited, and a Penalty of 200 *l.* with Coſts of Proſecution, and Pain of Impriſonment, is inflicted upon Perſons, having in their Cuſtody, Poſſeſſion, or Keeping, or concealing, contrary to the ſaid Act, any Warlike, Naval, or Ordnance Stores therein mentioned, or any other Stores, marked with the Broad Arrow, by Stamp, Brand, or otherwiſe: And whereas it was neceſſary to give Power to mitigate the ſaid Penalties, and to explain and amend the ſaid Act; it is thereby enacted, That if any Perſon or Perſons ſhall, after the 25th Day of *March* 1723, be lawfully convicted of having in his, her, or their Cuſtody, any Timber, Thick Stuff, or Plank, ſo marked, every ſuch Perſon ſo offending ſhall ſuffer, forfeit, and pay, as for having, keeping, or concealing, any other Warlike, Naval, or Ordnance Stores, contrary to the ſaid Act: And it is thereby provided and enacted, That it ſhall be lawful to and for any Judge, Juſtice or Juſtices, before whom any Offender or Offenders ſhall be convicted of any of the

Crimes or Offences before recited, enacted, or mentioned in the ſaid Act, to mitigate the Penalty for the ſame as he or they ſhall ſee Cauſe, and to commit the Offender or Offenders ſo convicted to the common Gaol of the County or Place where the Offence ſhall be committed, there to remain, without Bail or Mainprize, until Payment be made of the Penalty and Forfeiture impoſed by that or the ſaid former Act, or mitigated as aforeſaid; or to puniſh ſuch Offender or Offenders corporally, by cauſing him, her, or them, to be publickly whipped, or committed to ſome publick Workhouſe, there to be kept to hard Labour for the Space of Six Months, or a leſs Time, as to ſuch Judge, Juſtice or Juſtices, in his or their Diſcretion, ſhall ſeem meet, any Thing in the ſaid recited Act, or in any other Act, to the Contrary notwithſtanding: And it is thereby further enacted, That where any Diſputes ſhall ariſe between the Perſons, upon whoſe Informations or Oaths any Perſon or Perſons offending in the Premiſes, or againſt the ſaid former Act, ſhall be proſecuted and convicted, touching any Right or Title to any of the Forfeitures or Penalties before mentioned, or any Part thereof, the Judge, Juſtice or Juſtices, before whom ſuch Offender or Offenders ſhall be convicted, ſhall examine the Matter, and finally determine the ſame: And whereas ſome Doubts have ariſen, touching the Method of Trial, and Puniſhment of Offenders, againſt the ſaid recited Acts, whether, as the ſaid Acts are worded, ſuch Offender or Offenders may be indicted and tried for the Crimes and Offences in the ſaid Acts mentioned; and whether any Judge, Juſtice or Juſtices of Aſſize, or Juſtices of the Peace, at the Seſſions, may hear, try, and determine the ſame, and on Conviction, ſet ſuch Fine, or mitigate the ſame, and the Forfeitures and Penalties inflicted by the aforeſaid Acts, on ſuch Offender or Offenders, as the Nature of the Offences may deſerve; or whether ſuch Offenders, as aforeſaid, in order for recovering the ſaid Forfeitures and Penalties inflicted by the ſaid Act, can only be proceeded againſt by Action of Debt, Bill, Plaint, or Information, in ſome of His Majeſty's Courts of Record at *Weſtminſter*; by reaſon of which Doubts it has

has ſo happened that Offenders againſt the ſaid recited Acts, having been indicted for the ſame, have eſcaped unpuniſhed, to the great Encouragement of ſuch Offenders, and others, to commit the like Crimes and Offences for the future: For the remedying whereof, and for the explaining the Acts above mentioned, it is hereby declared and enacted, That it ſhall and may be lawful to and for any Judge, Juſtice or Juſtices, at the Aſſizes, or Juſtices of the Peace, at the General Quarter Seſſions to be holden for any County, City, Borough, or Town Corporate, to hear, try, and determine, by Indictment, or otherwiſe, all or any the Crimes or Offences mentioned in the ſaid recited Acts; and that the ſaid Judge, Juſtice, or Juſtices of Aſſize, or Juſtice of Peace, as aforeſaid, before whom ſuch Offender or Offenders ſhall be indicted or tried, and convicted of all or any the Crimes or Offences in the ſaid recited Acts mentioned, may impoſe any Fine, not exceeding the Sum of 200 *l.* on any ſuch Offender or Offenders, One Moiety to be paid to His Majeſty, and the other Moiety to the Informer; and may mitigate the ſaid Penalty and Forfeiture inflicted by the ſaid recited Acts, or either of them, and to commit the Offender or Offenders, ſo convicted and fined, to the common Gaol of the County, or Place where the Offence ſhall be committed, there to remain without Bail or Mainprize until Payment be made of the Penalty and Forfeitures impoſed by this or the ſaid former Acts, or mitigated as aforeſaid, or, in lieu thereof, to puniſh ſuch Offender or Offenders in the Premiſes corporally, by cauſing him, her, or them, to be publickly whipped, and committed to ſome Houſe of Correction, or publick Workhouſe, there to be kept to hard Labour for the Space of Three Months, or leſs Time, as to ſuch Judge, Juſtice or Juſtices of Aſſize, or Juſtices of the Peace, ſhall, in his or their Diſcretion, ſeem meet; any Thing in the ſaid recited Acts or in any other Act, to the Contrary notwithſtanding.

Juſtices of Aſſize, or at Quarter Seſſions, to try Offences relating to the Stores, &c.

*Anno*

## *Anno* 12° Geo. III. Cap. XXIV.

*An Act for the better ſecuring and preſerving His Majeſty's Dock Yards, Magazines, Ships, Ammunition, and Stores.*

WHEREAS the Safety and Preſervation of His Majeſty's Ships of War, Arſenals, Magazines, Dock Yards, Rope Yards, Victualling Offices, &c. either within this Realm, or in any of the Iſlands and Places thereunto belonging, is of great Importance to the Welfare and Security of the Kingdom; it is enacted, That if any Perſon ſhall, either within this Realm, or in any of the Iſlands, Forts, or Places thereunto belonging, wilfully and maliciouſly ſet on Fire, or otherwiſe deſtroy, or aid, procure, or aſſiſt, in ſetting on fire, burning, or deſtroying, of any of His Majeſty's Ships of War, whether the ſaid Ships be on Float, or building, or begun to be built, in any of His Majeſty's Dock Yards, or building or repairing by Contract in any private Yards, for the Uſe of His Majeſty, or any of His Majeſty's Arſenals, Dock Yards, Rope Yards, or any Buildings erected therein, or any Timber or Materials there placed for building, repairing, or fitting out of Ships, or any of His Majeſty's Military, Naval, or Victualling Stores, or other Ammunitions of War, or any Place where ſuch Military Stores, or other Ammunition, is or ſhall be kept, the Perſon guilty of ſuch Offence, being thereof convicted in due Form of Law, ſhall be adjudged guilty of Felony, and ſhall ſuffer Death as in Caſes of Felony, without Benefit of Clergy.

Perſons who ſhall wilfully ſet on fire, burn, or deſtroy, Ships of War, or aid to aſſiſt in ſo doing,

in any of His Majeſty's Dock Yards, Arſenals, Magazines, &c.

or any Building Timber, or Materials, there placed; or any Military, Naval, or Victualling Stores, &c.

being thereof convicted in due Form of Law, ſhall ſuffer Death, as in Caſes of Felony, without Benefit of Clergy.

Any Perſon who ſhall commit any of the Offences before mentioned in any Place out of this Realm, may be indicted and tried for the ſame, either in any Shire or County within the Realm, in like Manner as if ſuch Offence had been committed within the ſaid Shire or County, or in ſuch Iſland, County, or Place, where ſuch Offence ſhall have been actually committed, as His Majeſty, His Heirs, *etc.* may deem moſt convenient for bringing Offenders to Juſtice.

Perſons offending out of this Realm, may be tried in any Shire, &c. within this Realm.

# Timber.

*Anno* 27° Eliz. Cap. XIX.

*An Act for the Preſervation of Timber in the Wields of the Counties of* Suſſex, Surry, *and* Kent, *etc.*

## SECT. I.

No Iron Mill ſhall be made in *Suſſex*, *Surry*, or *Kent*.

ENacted, That none ſhall make or ſet up within the Counties of *Suſſex*, *Surry*, and *Kent*, any Iron Mill, Furnace, Finary, or Blomary, for the making of Iron, or Iron Metal, other than upon ſome old Bays, or Pens, whereupon ſuch Works have been lately ſtanding, or elſe upon ſuch Land where ſuch Works may be continually furniſhed with ſufficient Supply of the Parties own Woods growing upon his own Soil, being his in Fee-ſimple, Fee Tail, or for Life, without Impeachment of Waſte; nor ſhall convert to Coal, or other Feuel, for the making of ſuch Iron, or Iron Metal, any ſound Timber Tree of Oak, Aſh, or Elm, which ſhall bear a Foot Square at the Stub, or any Part thereof, on Pain to forfeit, for every ſuch new Work ſet up, 300 *l.* and for every Timber Tree ſo converted, 40 *s.*; to be divided betwixt the King and Proſecutor.

Timber of a Foot Square not to be employed to the making of Iron.

Offals of Timber may be employed to Iron Works.

SECT. II. Provided always, and it is enacted, That it ſhall be lawful to convert to Coal the Tops and Offals of ſuch Timber Trees for the Purpoſes aforeſaid, within the Wields of *Suſſex*, *Surry*, and *Kent*, ſo as it be not within Eighteen Miles of *London*; Eight Miles of the *Thames*; Four Miles of *Rye*, or *Winchelſea*; Three Miles of *Haſtings*; or Four Miles of the Foot of the *Downs*, betwixt *Arundel*, and *Pemſey*.

# RULES and ARTICLES

FOR THE

Better Government of Our Horſe and Foot Guards, and all other Our Forces in Our Kingdoms of *Great Britain* and *Ireland*, Dominions beyond the Seas, and Foreign Parts.

## SECT. I.

## Divine Worſhip.

### ART. I

GEORGE *R.*

ALL Officers and Soldiers, not having juſt Impediment, ſhall diligently frequent Divine Service and Sermon, in the Places appointed for the aſſembling of the Regiment, Troop, or Company, to which they belong; ſuch as wilfully abſent themſelves, or, being preſent, behave indecently or irreverently, ſhall, if Commiſſioned Officers, be brought before a Court-martial, there to be publickly and ſeverely reprimanded by the Preſident; if Non-commiſſioned Officers, or Soldiers, every Perſon ſo offending ſhall, for his Firſt Offence, forfeit Twelvepence, to be deducted out of his next Pay; for the Second Offence, he ſhall not only forfeit Twelvepence, but be laid in Irons for Twelve Hours; and for every like Offence, ſhall ſuffer and pay in like Manner: Which Money ſo forfeited, ſhall be applied to the Uſe of the ſick Soldiers of the Troop or Company to which the Offender belongs.

Divine Service and Sermon to be frequented.

The Penalty of abſenting from Divine Service, and of irreverent Behaviour,

1. If Commiſſioned Officers;

2. If Non-commiſſioned Officers, or Soldiers.

How the Forfeiture is to be applied.

ART. II. Whatſoever Officer or Soldier ſhall uſe any unlawful Oath or Execration, ſhall incur the Penalties expreſſed in the Firſt Article.

The Penalty of Swearing or Curſing.

The Penalty of ſpeaking againſt any Article of the Chriſtian Faith.

ART. III. Whatſoever Officer or Soldier ſhall preſume to ſpeak againſt any known Article of the Chriſtian Faith, ſhall be delivered over to the Civil Magiſtrate, to be proceeded againſt according to Law.

The Penalty of profaning Churches, or offering Violence to Chaplains or Miniſters.

ART. IV. Whatſoever Officer or Soldier ſhall profane any Place dedicated to Divine Worſhip, or ſhall offer Violence to a Chaplain of the Army, or to any Miniſter of God's Word; he ſhall be liable to ſuch Penalty or corporal Puniſhment as ſhall be inflicted on him by a Court-martial.

Penalty on Chaplains abſenting from the Regiment.

ART V. No Chaplain who is commiſſioned to a Regiment, Company, Troop, or Garriſon, ſhall abſent himſelf from the ſaid Regiment, Company, Troop, or Garriſon, (excepting in caſe of Sickneſs, or Leave of Abſence), upon Pain of being brought to a Court-martial, and puniſhed as their Judgement, and the Circumſtances of his Offence, may require.

Penalty on Chaplains guilty of Drunkenneſs, or other vicious Behaviour.

ART. VI. Whatſoever Chaplain to a Regiment, Troop, or Garriſon, ſhall be guilty of Drunkenneſs, or of other ſcandalous or vicious Behaviour, derogating from the Sacred Character with which he is inveſted, ſhall, upon due Proofs before a Court-martial, be diſcharged from his ſaid Office.

---

## SECT. II.

# Mutiny.

### ART. I.

The Penalty of ſpeaking traiterous or diſreſpectful Words againſt the King, or any of the Royal Family.

WHatſoever Officer or Soldier ſhall preſume to uſe traiterous or diſreſpectful Words againſt Our Royal Perſon, or any of Our Royal Family; if a Commiſſioned Officer, he ſhall be caſhiered; if a Non-commiſſioned Officer or Soldier, he ſhall ſuffer ſuch Puniſhment as ſhall be inflicted upon him by the Sentence of a Court-martial.

The Penalty of diſreſpectful Behaviour to the General or Commander in Chief.

ART. II. Any Officer or Soldier who ſhall behave himſelf with Contempt or Diſreſpect towards the General, or other

other Commander in Chief of Our Forces, or ſhall ſpeak Words tending to his Hurt or Diſhonour, ſhall be puniſhed according to the Nature of his Offence, by the Judgement of a Court-martial.

The Penalty of Mutiny;

ART. III. Any Officer or Soldier who ſhall begin, excite, cauſe, or join in, any Mutiny or Sedition, in the Regiment, Troop, or Company, to which he belongs, or in any other Regiment, Troop, or Company, either of Our Land or Marine Forces, or in any Party, Poſt, Detachment, or Guard, on any Pretence whatſoever, ſhall ſuffer Death, or ſuch other Puniſhment as by a Court-martial ſhall be inflicted.

and of not ſuppreſſing, or the concealing of Mutiny.

ART. IV. Any Officer, Non-commiſſioned Officer, or Soldier, who being preſent at any Mutiny or Sedition, does not uſe his utmoſt Endeavour to ſuppreſs the ſame, or coming to the Knowledge of any Mutiny, or intended Mutiny, does not without Delay give Information thereof to his Commanding Officer, ſhall be puniſhed by a Court-martial with Death, or otherwiſe, according to the Nature of his Offence.

The Penalty of ſtriking, or drawing any Weapon againſt a ſuperior Officer; or diſobeying Orders.

ART. V. Any Officer or Soldier who ſhall ſtrike his ſuperior Officer, or draw, or offer to draw, or ſhall lift up any Weapon, or offer any Violence againſt him, being in the Execution of his Office, on any Pretence whatſoever, or ſhall diſobey any lawful Command of his ſuperior Officer, ſhall ſuffer Death, or ſuch other Puniſhment as ſhall, according to the Nature of his Offence, be inflicted upon him by the Sentence of a Court-martial.

---

## SECT. III.

## Of inliſting Soldiers.

### ART. I.

Non-commiſſioned Officers and Soldiers, at their Inliſting, to have the Articles againſt Mutiny and Deſertion read to them;

EVERY Non-commiſſioned Officer and Soldier, who ſhall inliſt himſelf in Our Service, ſhall, at the Time of his ſo Inliſting, or within Four Days afterwards, have the

the Articles againſt Mutiny and Deſertion read to him, and ſhall, by the Officer who inliſted him, or by the Commanding Officer of the Troop or Company into which he was inliſted, be taken before the next Juſtice of the Peace, or Chief Magiſtrate of any City or Town Corporate, (not being an Officer of the Army), or in Foreign Parts, where Recourſe cannot be had to the Civil Magiſtrate, before the Judge Advocate, and in his Preſence take the following Oath:

and to be brought before the next Juſtice,

or in Foreign Parts, before the Judge Advocate.

The Oath of Fidelity.

*I Swear to be true to our Sovereign Lord King* GEORGE, *and to ſerve him honeſtly and faithfully, in Defence of His Perſon, Crown, and Dignity, againſt all His Enemies or Oppoſers whatſoever: And to obſerve and obey His Majeſty's Orders, and the Orders of the Generals and Officers ſet over me by His Majeſty.*

The Juſtice to give a Certificate thereof.

Which Juſtice or Magiſtrate is to give the Officer a Certificate, ſignifying that the Man inliſted did take the ſaid Oath, and that the Articles of War were read to him according to the Act of Parliament.

No Diſcharge to be allowed unleſs ſigned by a Field Officer of the Regiment.

ART. II. After a Non-commiſſioned Officer or Soldier ſhall have been duly inliſted and ſworn, he ſhall not be diſmiſſed Our Service without a Diſcharge in Writing; and no Diſcharge granted to him ſhall be allowed of as ſufficient, which is not ſigned by a Field Officer of the Regiment into which he was inliſted, or Commanding Officer, where no Field Officer of the Regiment is in *Great Britain*.

## SECT. IV.

## Muſters.

### ART. I.

What an Officer muſt do in order to the Muſter.

EVERY Officer commanding a Regiment, Troop, or Company, ſhall, upon the Notice given to him by the Commiſſary of the Muſters, or from One of his Deputies,

puties, aſſemble the Regiment, Troop, or Company, under his Command, in the next convenient Place for their being muſtered.

Field Officers reſiding with the Regiments may grant Furloughs.

ART. II. Every Colonel or other Field Officer commanding the Regiment, Troop, or Company, and actually reſiding with it, may give Furloughs to Non-commiſſioned Officers and Soldiers, in ſuch Numbers, and for ſo long a Time, as he ſhall judge to be moſt conſiſtent with the Good of Our Service; but no Non-commiſſioned Officer or Soldier ſhall by Leave of his Captain, or inferior Officer commanding the Troop or Company, (his Field Officer not being preſent), be abſent above Twenty Days in Six Months, nor ſhall more than Two private Men be abſent at the ſame Time from their Troop or Company, excepting ſome extraordinary Occaſion ſhall require it, of which Occaſion the Field Officer preſent with and commanding the Regiment is to be the Judge.

How long Time a Soldier may be abſent, and by what Leave.

Commanding Officer to give to the Commiſſary Certificates of the Time and Reaſon of the Abſence of any not appearing at Muſter,

ART. III. At every Muſter the Commanding Officer of each Regiment, Troop, or Company, there preſent, ſhall give to the Commiſſary Certificates, ſigned by himſelf, ſignifying how long ſuch Officers who ſhall not appear at the ſaid Muſter have been abſent, and the Reaſon of their Abſence; in like Manner the Commanding Officer of every Troop or Company ſhall give Certificates, ſignifying the Reaſons of the Abſence of the Non-commiſſioned Officers and private Soldiers; which Reaſons and Time of Abſence ſhall be inſerted in the Muſter-rolls oppoſite to the Names of the reſpective abſent Officers and Soldiers: The ſaid Certificates ſhall, together with the Muſter-rolls, be remitted to Our Commiſſary's Office within Twenty Days after ſuch Muſter being taken; on the Failure thereof, the Commiſſary ſo offending ſhall be diſcharged from Our Service.

which are to be inſerted in the Muſter rolls.

The Certificates and Muſter-rolls to be remitted to the Commiſſary's Office.

The Penalty of ſigning falſe Ceritficates.

ART. IV. Every Officer who ſhall be convicted before a General Court-martial of having ſigned a falſe Certificate, relating to the Abſence of either Officer or private Soldier, ſhall be caſhiered.

The Penalty of making falſe Muſters; or ſigning falſe Muſter-rolls.

ART. V. Every Officer who ſhall knowingly make a falſe Muſter of Man or Horſe, and every Officer and Commiſſary who ſhall willingly ſign, direct, or allow the ſigning of the Muſter-

Muſter-rolls, wherein ſuch falſe Muſter is contained, ſhall, upon Proof made thereof by Two Witneſſes before a General Court-martial, be caſhiered, and ſuffer ſuch other Penalty as by the Act of Parliament is for that Purpoſe inflicted.

Penalty on the Commiſſary taking Money on a Muſter, or on ſigning the Muſter-roll.

ART. VI. Any Commiſſary who ſhall be convicted of having taken Money by way of Gratification on the muſtering any Regiment, Troop, or Company, or on the ſigning the Muſter-rolls, ſhall be diſplaced from his Office, and ſuffer ſuch other Penalty as by the Act of Parliament is inflicted.

Penalty of muſtering any accuſtomed to wear a Livery, or not doing Duty as a Soldier.

ART. VII. Any Officer who ſhall preſume to muſter any Perſon as a Soldier, who is at other Times accuſtomed to wear a Livery, or who does not actually do his Duty as a Soldier, ſhall be deemed guilty of having made a falſe Muſter, and ſhall ſuffer accordingly.

---

## SECT. V.

## Returns.

### ART. I.

Penalty on Officer making falſe Returns.

EVERY Officer who ſhall knowingly make a falſe Return to Us, to the Commander in Chief of Our Forces, or to any his ſuperior Officer authoriſed to call for ſuch Returns, of the State of the Regiment, Troop, or Company, or Garriſon, under his Command, or of Arms, Ammunition, Clothing, or other Stores thereunto belonging, ſhall by a Court-martial be caſhiered.

Penalty of not remitting a Monthly Return to the Commander in Chief, and Secretary at War.

ART. II. The Commanding Officer of every Regiment, Troop, or Independent Company, or Garriſon, in *South Britain*, ſhall, in the Beginning of every Month, remit to the Commander in Chief of Our Forces, and to Our Secretary at War, an exact Return of the State of the Regiment, Troop, Independent Company, or Garriſon, under his Command, ſpecifying the Names of the Officers not then reſid-

ing at their Poſts, and the Reaſon for, and Time of, their Abſence: Whoever ſhall be convicted of having, through Neglect or Deſign, omitted the ſending ſuch Returns, ſhall be puniſhed according to the Nature of his Crime by the Judgement of a General Court-martial.

The like Returns to be made in *Ireland* and *Scotland*.

ART. III. Returns ſhall be made in like Manner of the State of Our Forces in Our Kingdom of *Ireland* to the Chief Governor or Governors thereof, as likewiſe of Our Forces in *North Britain* to the Officer there commanding in Chief; which Returns ſhall from Time to Time be remitted to Us, as it ſhall be beſt for Our Service.

Returns to be made from *Gibraltar*, *Port Mahon*, *Africa*, and *America*.

ART. IV. It is Our Pleaſure, That exact Returns of the State of Our Garriſons at *Gibraltar* and *Port Mahon*, and of Our Regiments, Garriſons, and Independent Companies, in *Africa* and *America*, be, by their reſpective Governors or Commanders there reſiding, by all convenient Opportunities, remitted to Our Secretary at War, for their being laid before Us.

---

## SECT. VI.

## Deſertion.

### ART. I.

The Penalty of Deſertion.

ALL Officers and Soldiers, who, having received Pay, or having been duly inliſted in Our Service, ſhall be convicted of having deſerted the ſame, ſhall ſuffer Death, or ſuch other Puniſhment as by a Court-martial ſhall be inflicted.

Soldiers abſenting from their Company, or Detachment, without Leave, to be puniſhed at the Diſcretion of a Court-martial.

ART. II. Any Non-commiſſioned Officer or Soldier, who ſhall, without Leave from his Commanding Officer, abſent himſelf from his Troop or Company, or from any Detachment with which he ſhall be commanded, ſhall, upon being convicted thereof, be puniſhed according to the Nature of his Offence, at the Diſcretion of a Court-martial.

Penalty of inliſting in other Regiments, without a Diſcharge from the former Regiment.

ART. III. No Non-commiſſioned Officer or Soldier ſhall inliſt himſelf in any other Regiment, Troop, or Company, without

without a regular Diſcharge from the Regiment, Troop, or Company, in which he laſt ſerved, on the Penalty of being reputed a Deſerter, and ſuffering accordingly: And in caſe any Officer ſhall knowingly receive and entertain ſuch Non-commiſſioned Officer or Soldier, or ſhall not, after his being diſcovered to be a Deſerter, immediately confine him, and give Notice thereof to the Corps in which he laſt ſerved, he the ſaid Officer ſo offending ſhall by a Court-martial be caſhiered.

Penalty on Officers entertaining, and not confining ſuch as Deſerters.

ART. IV. Whatſoever Officer or Soldier ſhall be convicted of having adviſed or perſuaded any other Officer or Soldier to deſert Our Service, ſhall ſuffer ſuch Puniſhment as ſhall be inflicted upon him by the Sentence of a Court-martial.

The Penalty of perſuading any one to deſert.

## SECT. VII.

## Quarrels and ſending Challenges.

### ART. I.

NO Officer or Soldier ſhall uſe any reproachful or provoking Speeches or Geſtures to another, upon Pain, if an Officer, of being put in Arreſt; if a Soldier, impriſoned, and of aſking Pardon of the Party offending, in the Preſence of his Commanding Officer.

The Penalty of provoking Speech or Action.

ART. II. No Officer or Soldier ſhall preſume to ſend a Challenge to any other Officer or Soldier to fight a Duel, upon Pain, if a Commiſſioned Officer, of being caſhiered; if a Non-commiſſioned Officer, or Soldier, of ſuffering corporal Puniſhment, at the Diſcretion of a Court-martial.

The Penalty of ſending a Challenge.

ART. III. If any Commiſſioned or Non-commiſſioned Officer commanding a Guard ſhall knowingly and willingly ſuffer any Perſon whatſoever to go forth to fight a Duel, he ſhall be puniſhed as a Challenger: And likewiſe all Seconds,

The Penalty if an Officer ſuffer any to go out to fight a Duel.

Seconds, Promoters, and Carriers of Challenges, in order to Duels, ſhall be deemed as Principals, and be puniſhed accordingly. The Seconds carrying Challenges, ſhall be reputed as Principals.

ART. IV. All Officers, of what Condition ſoever, have Power to part and quell all Quarrels, Frays, and Diſorders, though the Perſons concerned ſhould belong to another Regiment, Troop, or Company; and either to order Officers into Arreſt, or Non-commiſſioned Officers or Soldiers to Priſon, till their proper ſuperior Officers ſhall be acquainted therewith; and whoever ſhall refuſe to obey ſuch Officer, (though of an inferior Rank), or ſhall draw his Sword upon him, ſhall be puniſhed at the Diſcretion of a General Court-martial. All Officers have Power to part Frays. Penalty of reſiſting.

ART. V. Whatſoever Officer or Soldier ſhall upbraid another for refuſing a Challenge, ſhall himſelf be puniſhed as a Challenger; and We hereby acquit and diſcharge all Officers and Soldiers of any Diſgrace, or Opinion of Diſadvantage, which might ariſe from their having refuſed to accept of Challenges, as they will only have acted in Obedience to Our Orders, and done their Duty as good Soldiers, who ſubject themſelves to Diſcipline. Penalty for upbraiding any for refuſing a Challenge.

---

## SECT. VIII.

## Suttling.

### ART. I.

NO Suttler ſhall be permitted to ſell any Kind of Liquors or Victuals, or to keep their Houſes or Shops open, for the Entertainment of Soldiers, after Nine at Night, or before the Beating of the Reveilles, or upon *Sundays*, during Divine Service or Sermon, on the Penalty of being diſmiſſed from all future Suttling. Suttlers not to ſell any Thing after Nine at Night, or before the Reveilles, or upon *Sundays*, during Divine Service.

ART. II. All Officers, Soldiers, and Suttlers, ſhall have full Liberty to bring into any of Our Forts or Garriſons any Quantity or Species of Proviſions, eatable or drinkable, except where any Contract or Contracts are or ſhall be entered Liberty given for bringing Proviſions into Garriſons, &c.

into by Us, or by Our Order, for furniſhing ſuch Proviſions, and with reſpect only to the Species of Proviſions ſo contracted for.

Commanding Officers are to ſee the Soldiers ſupplied with Proviſions at the Market Price.

ART. III. All Governors, Lieutenant Governors, and Officers, commanding in Our Forts, Barracks, or Garriſons, are hereby required to ſee that the Perſons permitted to ſuttle ſhall ſupply the Soldiers with good and wholeſome Proviſions, at the Market Price, as they ſhall be anſwerable to Us for their Neglect.

Penalty of exacting in the letting out of Stalls to Suttlers, or laying a Duty on, or being intereſted in, the Goods ſold by them.

ART. IV. No Governors, or Officers, commanding in any of Our Garriſons, Forts, or Barracks, ſhall either themſelves exact exorbitant Prices for Houſes or Stalls let out to Suttlers, or ſhall connive at the like Exactions in others; nor by their own Authority, and for their private Advantage, ſhall they lay any Duty or Impoſition upon, or be intereſted in, the Sale of ſuch Victuals, Liquors, or other Neceſſaries of Life, which are brought into the Garriſon, Fort, or Barracks, for the Uſe of the Soldiers, on the Penalty of being diſcharged from Our Service.

---

## SECT. IX.

## Quarters.

### ART. I.

Penalty of demanding Billets for Quartering more than the Number of effective Men; or of Quartering Wives, Children, Men or Maid Servants;

or taking Money for freeing of Landlords from Quartering Officers and Private Men.

NO Officer ſhall demand Billets for Quartering more than his effective Men; nor ſhall he quarter any Wives, Children, Men or Maid Servants, in the Houſes aſſigned for the Quartering of Officers or Soldiers, without the Conſent of the Owners; nor ſhall he take Money for the freeing of Landlords from the Quartering of Officers or Soldiers: If a Commiſſioned Officer ſo offending, he ſhall be caſhiered; if a Non-commiſſioned Officer, he ſhall be reduced to a Private Centinel, and ſuffer ſuch corporal Puniſhment as ſhall be inflicted upon him by the Sentence of a Court-martial.

ART. II.

ART. II. Every Officer commanding a Regiment, Troop, or Company, or Party, whether in ſettled Quarters or upon a March, ſhall take Care that his own Quarters, as alſo the Quarters of every Officer and Soldier under his Command, be regularly cleared at the End of every Week, according to the Rules ſpecified by the Act of Parliament now in Force; but in caſe any ſuch Regiment, Troop, or Company, or Party, be ordered to march before Money may be come to the Hands of the Commanding Officer aforeſaid, he is hereby required to ſee that the Accounts with all Perſons who ſhall have Money due to them for the Quartering of Officers and Soldiers be exactly ſtated; ſpecifying what Sum is then juſtly due to him, as likewiſe the Regiment, Troop, or Company, to which the Officers and Soldiers ſo indebted to him belong; and is, by the firſt Opportunity, to remit Duplicates of the ſaid Certificates to Our Paymaſter General: Any Commanding Officer who ſhall refuſe or neglect the making up ſuch Accounts, and certifying the ſame, as is above directed, ſhall be caſhiered.

Commanding Officer to ſee the Quarters cleared Weekly;

and to give Certificates for Money due in Quarters;

and remit Duplicates thereof to the Paymaſter General;

on Penalty of being caſhiered.

ART. III. The Commanding Officer of every Regiment, Troop, or Company, or Detachment, ſhall, upon their firſt coming to any City, Town, or Village, where they are to remain in Quarters, cauſe publick Proclamation to be made, ſignifying, That if the Landlords or other Inhabitants ſuffer the Non-commiſſioned Officers or Soldiers to contract Debts beyond what their Daily Subſiſtence will anſwer, that ſuch Debts will not be diſcharged; he the ſaid Commanding Officer ſhall, for refuſing or neglecting ſo to do, be ſuſpended for Three Months; during which Time his whole Pay ſhall be applied to the diſcharging ſuch Debts as ſhall have been contracted by the Non-commiſſioned Officers or Soldiers under his Command, beyond the Amount of their daily Subſiſtence: If there be any Overplus remaining, it may be returned to him.

Penalty on the Commanding Officer not cauſing publick Notice to be given againſt crediting Soldiers beyond their Pay.

ART. IV. If, after publick Proclamation to be made, the Inhabitants ſhall notwithſtanding ſuffer the Non-commiſſioned Officers and Soldiers to contract Debts beyond what the Money iſſued out, or to be iſſued out, for their

Inhabitants crediting Soldiers beyond their Pay, after publick Notice to the contrary, Officer not liable to the Debt.

daily Subsistence will answer, it will be at their own Peril, the Officers not being obliged to discharge the said Debts.

The Penalty, if an Officer refuse to see Justice done if any Person shall be abused or wronged by a Soldier.

ART. V. Every Officer commanding in Quarters, Garrisons, or on a March, shall keep good Order, and to the utmost of his Power redress all such Abuses or Disorders which may be committed by any Officer or Soldier, under his Command; if, upon Complaint made to him of Officers or Soldiers beating, or otherwise ill-treating, of their Landlords, or of extorting more from them than they are obliged to furnish by Law; of disturbing Fairs or Markets, or of committing any Kind of Riots, to the disquieting of Our People; he the said Commander, who shall refuse or omit to see Justice done on the Offender or Offenders, and Reparation made to the Party or Parties injured, as far as Part of the Offender's Pay shall enable him or them, shall, upon due Proof thereof, be punished by a General Court-martial, as if he himself had committed the Crimes or Disorders complained of.

## SECT. X.

## Carriages.

Commanding Officer is to apply for Carriages, and to pay for them according to the Act of Parliament; and not to suffer the Persons attending them to be abused;

THE Commanding Officer of every Regiment, Troop, or Company, or Detachment, which shall be ordered to march, is to apply to the proper Magistrates for the necessary Carriages, and is to pay for them as is directed by the Act of Parliament; taking Care not himself to abuse, nor to suffer any Persons under his Command to beat or abuse the Waggoners, or other Persons attending such Carriages; nor to suffer more than Thirty hundred Weight to be loaded on any Wain or Waggon so furnished, or in Proportion on Carts or Cars; nor to permit Soldiers, (except such as are sick or lame), or Women, to ride upon the said Carriages: Whatsoever Officer shall offend herein, or, in case of Failure of Money, shall refuse to grant Certificates, specifying the Sums due for the Use of such Carriages, and the Name of the Regiment,

or their Carriages overloaded:

On Failure of Money, he is to grant Certificates to them.

Troop,

Troop, or Company, in whoſe Service they were employed, ſhall be caſhiered, or be otherwiſe puniſhed according to the Degree of his Offence, by a General Court-martial.

## SECT. XI.

## Of Crimes puniſhable by Law.

### ART. I.

Commanding Officers are, upon Application, to uſe their utmoſt Endeavours to deliver over to the Civil Magiſtrate any Officer, Non-commiſſioned Officer, or Soldier, accuſed of Crimes puniſhable by the known Laws of the Land;

WHenever any Officer or Soldier ſhall be accuſed of a capital Crime, or of having uſed Violence, or committed any Offence againſt the Perſons or Property of Our Subjects, ſuch as is puniſhable by the known Laws of the Land, the Commanding Officer and Officers of every Regiment, Troop, or Party, to which the Perſon or Perſons ſo accuſed ſhall belong, are hereby required, upon Application duly made by or in Behalf of the Party or Parties injured, to uſe his utmoſt Endeavours to deliver over ſuch accuſed Perſon or Perſons to the Civil Magiſtrate; and likewiſe to be aiding and aſſiſting to the Officers of Juſtice, in apprehending and ſecuring the Perſon or Perſons ſo accuſed, in order to bring them to a Trial. If any Commanding Officer or Officers ſhall wilfully neglect, or ſhall refuſe, upon the Application aforeſaid, to deliver over ſuch accuſed Perſon or Perſons to the Civil Magiſtrates, or to be aiding and aſſiſting to the Officers of Juſtice in apprehending ſuch Perſon or Perſons, the Officer or Officers ſo offending ſhall be caſhiered.

and to be aiding to the Officers of Juſtice in ſecuring ſuch Offender;

and upon wilful Neglect or Refuſal, to be caſhiered.

The Penalty if an Officer protect any from his Creditors.

ART. II. No Officer ſhall protect any Perſon from his Creditors on the Pretence of his being a Soldier, nor any Non-commiſſioned Officer or Soldier, who does not actually do all Duties as ſuch, and no farther than is allowed by the preſent Act of Parliament, and according to the true Intent and Meaning of the ſaid Act: Any Officer offending herein, being convicted thereof before a Court-martial, ſhall be caſhiered.

SECT. XII.

## SECT. XII.

## Of redreſſing of Wrongs.

### ART. I.

What an Officer muſt do, if he thinks himſelf wronged.

IF any Officer ſhall think himſelf to be wronged by his Colonel, or the Commanding Officer of the Regiment, and ſhall, upon due Application made to him, be refuſed to be redreſſed, he may complain to the General commanding in Chief of Our Forces, in order to obtain Juſtice; who is hereby required to examine into the ſaid Complaint; and either by himſelf, or by Our Secretary at War, to make his Report to Us thereupon, in order to receive Our further Directions.

What an inferior Officer or Soldier muſt do, if he thinks himſelf wronged.

ART. II. If any inferior Officer or Soldier ſhall think himſelf wronged by his Captain, or other Officer commanding the Troop or Company to which he belongs, he is to complain thereof to the Commanding Officer of the Regiment, who is hereby required to ſummon a Regimental Court-martial for the doing Juſtice to the Complainant; from which Regimental Court-martial either Party may, if he thinks himſelf ſtill aggrieved, appeal to a General Court-martial; but if, upon a Second Hearing, the Appeal ſhall appear to be vexatious and groundleſs, the Perſon ſo appealing ſhall be puniſhed at the Diſcretion of the ſaid General Court-martial.

---

## SECT. XIII.

## Of Stores, Ammunition, &c.

### ART. I.

Penalty of Officer's ſelling Military Stores without Order; or embezzling or miſapplying them, or ſuffering them to be damaged by Neglect.

WHatſoever Commiſſioned Officer, Storekeeper, or Commiſſary, ſhall be convicted at a General Court-martial of having ſold, (without a proper Order for that Purpoſe), embezzled, miſapplied, or wilfully, or through Neglect, ſuffered any of Our Proviſions, Forage, Arms, Clothing, Ammunition, or other Military Stores, to be

ſpoiled or damaged, the ſaid Officer, Storekeeper, or Commiſſary, ſo offending, ſhall, at his own Charge, make good the Loſs or Damage, and be diſmiſſed from Our Service, and ſuffer ſuch other Penalty as by the Act of Parliament is inflicted.

The Penalty of waſting Ammunition delivered out for the Service.

ART. II. Whatſoever Non-commiſſioned Officer or Soldier ſhall be convicted at a Regimental Court-martial of having ſold, or deſignedly, or through Neglect, waſted the Ammunition delivered out to him to be employed in Our Service, ſhall, if a Non-commiſſioned Officer, be reduced to a private Centinel, and ſhall beſides ſuffer corporal Puniſhment, in the ſame Manner as a private Centinel ſo offending, at the Diſcretion of a Regimental Court-martial.

The Penalty if a Soldier ſell or ſpoil his Arms, &c.

ART. III. Every Non-commiſſioned Officer or Soldier who ſhall be convicted at a Court-martial of having ſold, loſt, or ſpoiled, through Neglect, his Horſe, Arms, Clothes, or Accoutrements, ſhall undergo ſuch weekly Stoppages (not exceeding the Half of his Pay) as a Court-martial ſhall judge ſufficient for repairing the Loſs or Damage; and ſhall ſuffer Impriſonment, or ſuch other corporal Puniſhment, as his Crime ſhall deſerve.

The Penalty if a Non-commiſſioned Officer embezzle, &c. the Pay of the Men under his Command, or the Inliſting-money with which he is intruſted.

ART. IV. Every Non-commiſſioned Officer who ſhall be convicted at a General or Regimental Court-martial, or having embezzled or miſapplied any Money with which he may have been intruſted for the Payment of the Men under his Command, or for inliſting Men into Our Service, ſhall be reduced to ſerve in the Ranks as a private Soldier, be put under Stoppages until the Money be made good, and ſuffer ſuch corporal Puniſhment (not extending to Life or Limb) as the Court-martial ſhall think fit.

The Captain to be accountable to his Colonel for the Arms, &c. of his Company.

ART. V. Every Captain of a Troop or Company is charged with the Arms, Accoutrements, Ammunition, Clothing, or other warlike Stores belonging to the Troop or Company under his Command, which he is to be accountable for to his Colonel, in caſe of their being loſt, ſpoiled, or damaged, not by unavoidable Accident, or on actual Service.

SECT. XIV.

## SECT. XIV.

# Of Duties in Quarters, in Garriſon, or in the Field.

### ART. I.

The Penalty if a Soldier be found one Mile from his Camp without Leave in Writing.

ALL Non-commiſſioned Officers and Soldiers who ſhall be found One Mile from the Camp, without Leave in Writing from their Commanding Officer, ſhall ſuffer ſuch Puniſhment as ſhall be inflicted upon them by the Sentence of a Court-martial.

The Penalty of lying all Night out of Camp or Quarters.

ART. II. No Officer or Soldier ſhall lie out of his Quarters, Garriſon, or Camp, without Leave from his ſuperior Officer, upon Penalty of being puniſhed according to the Nature of his Offence by the Sentence of a Court-martial.

The Penalty if a Soldier do not retire to his Quarters at the Beating of the Retreat.

ART. III. Every Non-commiſſioned Officer and Soldier ſhall retire to his Quarters or Tent at the Beating of the Retreat; in Default of which, he ſhall be puniſhed according to the Nature of his Offence, by the Commanding Officer.

The Penalty if a Soldier does not repair at the Time fixed to the Parade of Exerciſe, or other Rendezvous;

or of quitting his Guard, &c. without being diſmiſſed or relieved.

ART. IV. No Officer, Non-commiſſioned Officer, or Soldier, ſhall fail of repairing, at the Time fixed, to the Place of Parade of Exerciſe, or other Rendezvous appointed by the Commanding Officer, if not prevented by Sickneſs, or ſome other evident Neceſſity; or ſhall go from the ſaid Place of Rendezvous, or from his Guard, without Leave from his Commanding Officer, before he ſhall be regularly diſmiſſed or relieved, on the Penalty of being puniſhed according to the Nature of his Offence by the Sentence of a Court-martial.

The Penalty of Drunkenneſs.

ART. V. Whatſoever commiſſioned Officer ſhall be found drunk on his Guard, Party, or other Duty, under Arms, ſhall be caſhiered for it; any Non-commiſſioned Officer or Soldier, ſo offending, ſhall ſuffer ſuch corporal Puniſhment as ſhall be inflicted by the Sentence of a Court-martial.

ART. VI.

ART. VI. Whatever Centinel ſhall be found ſleeping upon his Poſt, or ſhall leave it before he ſhall be regularly relieved, ſhall ſuffer Death, or ſuch other Puniſhment as ſhall be inflicted by the Sentence of a Court-martial. Penalty if a Centinel be found ſleeping on his Poſt, or of quitting it before he is relieved.

ART. VII. No Soldier belonging to any of Our Troops or Regiments of Horſe or Foot Guards, or to any other Regiment of Horſe, Foot, or Dragoons, in Our Service, ſhall hire another to do his Duty for him, or be excuſed from Duty, but in caſe of Sickneſs, Diſability, or Leave of Abſence; and every ſuch Soldier found guilty of hiring his Duty, as alſo the Party ſo hired to do another's Duty, ſhall be puniſhed at the next Regimental Court-martial. The Penalty of a Soldier hiring, and of the Party doing, his Duty.

ART. VIII. And every Non-commiſſioned Officer conniving at ſuch Hiring of Duty as aforeſaid, ſhall be reduced for it; and every Commiſſioned Officer, knowing and allowing of ſuch ill Practices in Our Service, ſhall be puniſhed by the Judgement of a General Court-martial. The Penalty of an Officer's conniving at the Hiring of Duty.

ART. IX. Any Perſon belonging to Our Forces employed in any of Our Dominions beyond the Seas, or in Foreign Parts, who, by diſcharging of Fire Arms, drawing of Swords, beating of Drums, or by any other Means whatever, ſhall occaſion falſe Alarms in Camp, Garriſon, or Quarters, ſhall ſuffer Death, or ſuch other Puniſhment as ſhall be ordered by the Sentence of a General Court-martial. The Penalty of making falſe Alarms in Camp, or Quarters.

And whoſoever ſhall be found guilty of the ſaid Offence in *Great Britain* or *Ireland*, *Jerſey*, *Guernſey*, *Alderney*, *Sark*, or *Man*, ſhall be puniſhed at the Diſcretion of a General Court-martial.

ART. X. Any Officer or Soldier, who ſhall, without urgent Neceſſity, or without Leave of his ſuperior Officer, quit his Platoon or Diviſion, ſhall be puniſhed according to the Nature of his Offence by the Sentence of a Court-martial. The Penalty if an Officer or Soldier ſhall quit his Platoon or Diviſion.

ART. XI. No Officer or Soldier ſhall do Violence to any Perſon who brings Proviſions, or other Neceſſaries, to the Camp, Garriſon, or Quarters, of Our Forces employed in Foreign Parts, on Pain of Death. The Penalty of doing Violence to any who bring Proviſions to the Camp or Quarters.

The Penalty of misbehaving before the Enemy, &c.

ART. XII. Whatsoever Officer or Soldier shall misbehave himself before the Enemy, or shamefully abandon any Post committed to his Charge, or shall speak Words inducing others to do the like, shall suffer Death.

The Penalty of running away from the Enemy;

or speaking Words to induce others to do the like;

or of Plundering.

ART. XIII. Whatsoever Officer or Soldier shall misbehave himself before the Enemy, and run away, or shamefully abandon any Fort, Post, or Guard, which he or they shall be commanded to defend, or speak Words inducing others to do the like; or who, after Victory, shall quit his Commanding Officer or Post to plunder and pillage; every such Offender, being duly convicted thereof, shall be reputed a Disobeyer of Military Orders, and shall suffer Death, or such other Punishment as by a General Court-martial shall be inflicted on him.

The Penalty of casting away Arms or Ammunition.

ART. XIV. Any Person belonging to Our Forces employed in Foreign Parts, who shall cast away his Arms and Ammunition, shall suffer Death, or such other Punishment as shall be ordered by the Sentence of a General Court-martial.

And whosoever shall be found guilty of the said Offence in *Great Britain*, *Ireland*, *Jersey*, *Guernsey*, *Alderney*, *Sark*, or *Man*, shall be punished at the Discretion of a General Court-martial.

The Penalty of making known the Watchword,

or giving a false one.

ART. XV. Any Person belonging to Our Forces employed in Foreign Parts, who shall make known the Watchword to any Person who is not intitled to receive it according to the Rules and Discipline of War, or shall presume to give a Parole or Watchword different from what he received, shall suffer Death, or such other Punishment as shall be ordered by the Sentence of a General Court-martial.

And whosoever shall be found guilty of the said Offence in *Great Britain*, *Ireland*, *Jersey*, *Guernsey*, *Alderney*, *Sark*, or *Man*, shall be punished at the Discretion of a General Court-martial.

Officers and private Men are to be orderly in Quarters, and on their March.

ART. XVI. All Officers and Soldiers are to behave themselves orderly in Quarters, and on their March; and whoever shall commit any Waste or Spoil, either in Walks of Trees, Parks, Warrens, Fish-ponds, Houses, or Gardens, Corn-fields, Inclosures, or Meadows, or shall maliciously

liciouſly deſtroy any Property whatſoever belonging to any of Our Subjects, unleſs by Order of the then Commander in Chief of Our Forces to annoy Rebels, or other Enemies in Arms againſt Us, he or they that ſhall be found guilty of offending herein, ſhall (beſides ſuch Penalties as they are liable to by Law) be puniſhed according to the Nature and Degree of the Offence, by the Judgement of a Regimental or General Court-martial.

The Penalty of ſpoiling the Property of any Perſon, unleſs by Order to annoy the Enemy.

ART. XVII. Whoſoever of Our Forces employed in Foreign Parts ſhall force a Safeguard ſhall ſuffer Death.

The Penalty of forcing a Safeguard.

ART. XVIII. Whoſoever ſhall relieve the Enemy with Money, Victuals, or Ammunition, or ſhall knowingly harbour or protect an Enemy, ſhall ſuffer Death, or ſuch other Puniſhment as by a Court-martial ſhall be inflicted.

The Penalty of relieving or harbouring an Enemy.

ART. XIX. Whoſoever ſhall be convicted of holding Correſpondence with, or giving Intelligence to, the Enemy, either directly or indirectly, ſhall ſuffer Death, or ſuch other Puniſhment as by a Court-martial ſhall be inflicted.

The Penalty of holding Correſpondence with, or giving Intelligence to, the Enemy.

ART. XX. All publick Stores taken in the Enemy's Camp, Towns, Forts, or Magazines, whether of Artillery, Ammunition, Clothing, Forage, or Proviſions, ſhall be ſecured for Our Service; for the Neglect of which Our Commanders in Chief are to be anſwerable.

Publick Stores to be ſecured for His Majeſty's Service.

ART. XXI. If any Officer or Soldier ſhall leave his Poſt or Colours to go in Search of Plunder, he ſhall, upon being convicted thereof before a General Court-martial, ſuffer Death, or ſuch other Puniſhment as by a Court-martial ſhall be inflicted.

The Penalty of going in Search of Plunder.

ART. XXII. If any Governor, or Commandant of any Garriſon, Fortreſs, or Poſt, ſhall be compelled by the Officers or Soldiers under his Command to give it up to the Enemy, or to abandon it, the Commiſſioned Officers, Non-commiſſioned Officers, or Soldiers, who ſhall be convicted of having ſo offended, ſhall ſuffer Death, or ſuch other Puniſhment as may be inflicted upon them by the Sentence of a Court-martial.

The Penalty of compelling the Commandant of any Fortreſs, or a Poſt, to give it up to the Enemy.

ART. XXIII. All Suttlers and Retainers to a Camp, and all Perſons whatſoever ſerving with Our Armies in the Field,

Suttlers and Retainers to the Camp to be ſubject to Military Orders.

Field, though no inliſted Soldiers, are to be ſubject to Orders, according to the Rules and Diſcipline of War.

Brevetts.

ART. XXIV. Officers having Brevetts, or Commiſſions of a prior Date to thoſe of the Regiment in which they now ſerve, may take Place in Courts-martial, and on Detachments, when compoſed of different Corps, according to the Rank given them in their Brevetts, or Dates of their former Commiſſions; but in the Regiment, Troop, or Company, to which ſuch Brevett Officers, and thoſe who have Commiſſions of a prior Date, do belong, they ſhall do Duty, and take Rank, both on Courts-martial, and on Detachments which ſhall be compoſed only of their own Corps, according to the Commiſſions by which they are muſtered in the ſaid Corps.

The eldeſt Officer is to command when any Troops of the Horſe Guards and the Regiment of Horſe Guards ſhall do Duty together;

ART. XXV. If upon Marches, Guards, or in Quarters, any of Our Troops of Horſe Guards, Grenadier Guards, or Regiment of Horſe Guards, ſhall happen to join or do Duty together, the eldeſt Officer by Commiſſion there, on Duty or in Quarters, ſhall command the Whole, and give out Orders for what is needful to Our Service; Regard being always had to the ſeveral Ranks of thoſe Corps, and the Poſts they uſually occupy.

or when any of the Horſe or Foot Guards ſhall do Duty with any other Corps.

ART. XXVI. And in like Manner alſo, if any Regiments, Troops, or Detachments, of Our Horſe or Foot Guards ſhall happen to march with, or be encamped or quartered with any Bodies or Detachments of Our other Troops, the eldeſt Officer, without reſpect to Corps, ſhall take upon him the Command of the Whole, and give the neceſſary Orders to Our Service.

The Foot Guards doing Duty unmix'd, to be conſidered as One Corps;
and the Officers to take Rank, &c. as they are muſtered.

ART. XXVII. When Our Regiments of Foot Guards, or Detachments from Our ſaid Regiments, ſhall do Duty together, unmixed with other Corps, they ſhall be conſidered as One Corps; and the Officers ſhall take Rank, and do Duty, according to the Commiſſions by which they are muſtered.

SECT.

## SECT. XV.

# Administration of Justice.

### ART. I.

A General Court-martial in Our Kingdoms of *Great Britain* or *Ireland* shall not consist of less than Thirteen Commissioned Officers; and the President of such Court-martial shall not be the Commander in Chief, or Governor of the Garrison, where the Offender shall be tried, nor be under the Degree of a Field Officer.

General Court-martial in *Great Britain* or *Ireland*.

ART. II. A General Court-martial held in Our Garrison of *Gibraltar*, Island of *Minorca*, or in any other Place beyond the Seas, (except within the Garrisons of *Goree* and *Senegal*, or upon any Detachments made therefrom), shall not consist of less than Thirteen Commissioned Officers; but in the said Garrisons of *Goree* and *Senegal*, or upon any Detachments made therefrom, a General Court-martial may consist of any Number of Commissioned Officers not less than Five; and the President shall not be under the Degree of a Field Officer, unless where a Field Officer cannot be had; nor shall in any Case whatever be the Commander in Chief, or Governor of the Garrison, where the Offender shall be tried, nor under the Degree of a Captain.

General Court-martial in *Gibraltar*, *Minorca*, *Goree*, *Senegal*, or other Places beyond the Seas.

ART. III. Whereas these Our Rules and Articles are to be observed by, and do in all Respects regard Our Troops and Regiments of Horse and Foot Guards, as well as Our other Forces; and that several Disputes have arisen, and may arise, between the Officers of Our Horse and Foot Guards, in relation to their holding of Courts-martial, and also among the Officers of Our Troops of Horse Guards, Grenadier Guards, and Regiment of Horse Guards, on that and other Points of Duty; We do therefore herein declare it to be Our Will and Pleasure, That when any Officer or Soldier belonging to Our said Troops of Horse Guards, Grenadier Guards, or Regiment of Horse Guards, shall happen to be brought before a General Court-martial, for Differences arising purely among themselves, or for Crimes relating

These Articles relate to the Horse and Foot Guards, as well as to other Forces.

Rules relating to Courts-martial, in Cases where the Horse or Grenadier Guards are concerned.

relating to Diſcipline, or Breach of Orders, ſuch Courts-martial ſhall be compoſed of Officers ſerving in any or all of thoſe Corps of Horſe Guards (as they may then happen to lie for their being moſt conveniently aſſembled) where the Officers are to take Poſt according to the Dates and Degrees of Rank granted them in their reſpective Commiſſions, without Regard to the Seniority of Corps, or other formerly pretended Privileges.

Rules relating to Courts-martial where the Foot Guards are concerned.

ART. IV. In like Manner alſo, the Officers of Our Three Three Regiments of Foot Gurds, when appointed to hold Courts-martial for Differences or Crimes as aforeſaid, ſhall of themſelves compoſe Courts-martial, and take Rank according to their Commiſſions; but for all Diſputes or Differences which may happen between Officers or Soldiers belonging to Our ſaid Corps of Horſe Guards, and other Officers and Soldiers belonging to Our Regiments of Foot Guards, or between any Officers or Soldiers belonging to either of thoſe Corps of Horſe or Foot Guards and Officers and Soldiers of Our other Troops, the Courts-martial to be appointed in ſuch Caſes ſhall be equally compoſed of Officers belonging to the Corps in which the Parties complaining and complained of do then ſerve; and the Preſident to be ordered by Turns, beginning firſt by an Officer of One of Our Troops of Horſe Guards, and ſo on in Courſe out of the other Corps.

Members of Courts-martial are to take the ſame Rank at their Sittings as they hold in the Army.
Exception.

ART. V. The Members both of General and Regimental Courts-martial ſhall, when belonging to different Corps, take the ſame Rank which they hold in the Army; but when Courts-martial ſhall be compoſed of Officers of One Corps, they ſhall take their Ranks according to the Dates of the Commiſſions by which they are muſtered in the ſaid Corps.

Judge Advocate is to inform and proſecute.

ART. VI. The Judge-Advocate General, or ſome Perſon deputed by him, ſhall proſecute in His Majeſty's Name; and in all Trials of Offenders by General Courts-martial adminiſter to each Member the following Oaths:

You

*YOU ſhall well and truly try and determine, according to your Evidence, the Matter now before you, between our Sovereign Lord the King's Majeſty and the Priſoner to be tried,*

The Oaths to be adminiſtered to the Members of all General Courts-martial.

*I* A. B. *do ſwear, That I will duly adminiſter Juſtice, according to the Rules and Articles for the better Government of His Majeſty's Forces, and according to an Act of Parliament now in Force for the Puniſhment of Mutiny and Deſertion, and other Crimes therein mentioned, without Partiality, Favour, or Affection; and if any Doubt ſhall ariſe which is not explained by the ſaid Articles or Act of Parliament, according to my Conſcience, the beſt of my Underſtanding, and the Cuſtom of War in the like Caſes. And I do further ſwear, That I will not divulge the Sentence of the Court until it ſhall be approved of by His Majeſty, or by ſome Perſon duly authoriſed by him; neither will I, upon any Account, at any Time whatſoever, diſcloſe or diſcover the Vote or Opinion of any particular Member of the Court-martial, unleſs required to give Evidence thereof as a Witneſs, by a Court of Juſtice, in a due Courſe of Law.*

The Judge Advocate to be ſworn.

And as ſoon as the ſaid Oath ſhall have been adminiſtered to the reſpective Members, the Preſident of the Court ſhall adminiſter to the Judge Advocate, or Perſon officiating as ſuch, an Oath in the following Words:

The Oath.

*I* A. B. *do ſwear, That I will not, upon any Account, at any Time whatſoever, diſcloſe or diſcover the Vote or Opinion of any particular Member of the Court-martial, unleſs required to give Evidence thereof, as a Witneſs, by a Court of Juſtice, in a due Courſe of Law.*

Decency to be obſerved in Courts; and the youngeſt to give his Vote firſt.

ART. VII. All the Members of a Court-martial are to behave with Decency; and in the giving of their Votes, are to begin with the youngeſt.

Rules to be obſerved in the Proceedings of a General Court-martial.

ART. VIII. All Perſons who give Evidence before a General Court-martial are to be examined upon Oath; and no Sentence of Death ſhall be given againſt any Offender

by any General Court-martial, except in the Garriſons of *Goree* and *Senegal*, or upon any Detachments made therefrom, unleſs Nine Officers preſent ſhall concur therein; nor ſhall ſuch Sentence be given in any Caſe where a Court-martial ſhall conſiſt of more Officers than Thirteen, nor within the Garriſons of *Goree* and *Senegal*, or upon any Detachments made therefrom, when a Court-martial ſhall conſiſt of a leſſer Number of Officers, without the Concurrence of Two-thirds of the Officers preſent.

Rules to be obſerved in the Trial of Field Officers.

ART. IX. No Field Officer ſhall be tried by any Perſon under the Degree of a Captain; nor ſhall any Proceedings or Trials be carried on excepting between the Hours of Eight in the Morning and Three in the Afternoon, except in Caſes which require an immediate Example.

Hours of Trial.

Rules to be obſerved before Execution of the Sentence of a General Court-martial.

ART. X. No Sentence of a General Court-martial ſhall be put in Execution till after a Report ſhall be made of the whole Proceedings to Us, or to Our Commander in Chief, or ſome other Perſon duly authoriſed by Us under Our Sign Manual to confirm the ſame, and Our or his Directions ſhall be ſignified thereupon; excepting in *Ireland*, where the Report is to be made to the Lord Lieutenant, and to Our Chief Governor or Governors of that Kingdom, and his or their Directions are to be received thereupon.

Rules to be obſerved in compoſing the Members of Courts-martial.

ART. XI. For the more equitable Deciſion of Diſputes which may ariſe between Officers and Soldiers belonging to different Corps, whether they be of Our Troops, or Regiment of Horſe Guards, Our Three Regiments of Foot Guards, or Our other Regiments of Horſe or Foot, We direct, That the Courts-martial ſhall be equally compoſed of Officers belonging to the Corps in which the Parties in Queſtion do then ſerve; and that the Preſidents ſhall be taken by Turns, beginning with that Corps which ſhall be eldeſt in Rank.

Every Regiment may hold a Regimental Court-martial for Trial of leſſer Offences.

ART. XII. The Commiſſioned Officers of every Regiment may, by the Appointment of their Colonel or Commanding Officer, hold Regimental Courts-martial for the inquiring into ſuch Diſputes, or Criminal Matters, as may come before them, and for the inflicting corporal Puniſhments for ſmall Offences, and ſhall give Judgement by the

Majority of Voices; but no Sentence ſhall be executed till the Commanding Officer, (not being a Member of the Court-martial), or the Governor of the Garriſon, ſhall have confirmed the ſame.

Rules to be obſerved in Regimental Courts-martial.

ART. XIII. No Regimental Court-martial ſhall conſiſt of leſs than Five Officers, excepting in Caſes where that Number cannot be conveniently aſſembled, when Three may be ſufficient; who are likewiſe to determine upon the Sentence by the Majority of Voices; which Sentence is to be confirmed by the Commanding Officer, not being a Member of the Court-martial.

Officers commanding in Forts, or Barracks, may appoint Regimental Courts-martial.

ART. XIV. Every Officer commanding in any of Our Forts, Caſtles, or Barracks, or elſewhere, where the Corps under his Command conſiſts of Detachments from different Regiments, or of Independent Companies, may aſſemble Courts-martial for the Trial of Offenders in the ſame Manner as if they were Regimental, whoſe Sentence is not to be executed till it ſhall be confirmed by the ſaid Commanding Officer.

No Commiſſioned Officer may be caſhiered, but by Order of His Majeſty, or by a General Court-martial.

ART. XV. No Commiſſioned Officer ſhall be caſhiered or diſmiſſed from Our Service, excepting by an Order from Us, or by the Sentence of a General Court-martial approved by Us, or by ſome Perſon having Authority from Us, under Our Sign Manual; but Non-commiſſioned Officers may be diſcharged as private Soldiers, and, by the Order of the Colonel of the Regiment, or by the Sentence of a Regimental Court-martial, be reduced to private Centinels.

The Penalty of menacing Words, Geſtures, or Diſturbances, before a Court-martial.

ART. XVI. No Perſon whatſoever ſhall uſe menacing Words, Signs, or Geſtures, in the Preſence of a Court-martial then ſitting, or ſhall cauſe any Diſorder or Riot, ſo as to diſturb their Proceedings, on the Penalty of being puniſhed at the Diſcretion of the ſaid Court-martial.

How a Commanding Officer is to proceed when an Officer is put in Arreſt, or Soldier committed to Cuſtody.

ART. XVII. To the End that Offenders may be brought to Juſtice, We hereby direct, That whenever any Officer or Soldier ſhall commit a Crime deſerving Puniſhment, he ſhall, by his Commanding Officer, if an Officer, be put in Arreſt; if a Non-commiſſioned Officer or Soldier, be impriſoned, till he ſhall be either tried by a Court-martial, or ſhall be lawfully diſcharged by a proper Authority.

The Time limited for Confinement.

ART. XVIII. No Officer or Soldier who ſhall be put in Arreſt or Impriſonment, ſhall continue in his Confinement more than Eight Days, or till ſuch Time as a Court-martial can be conveniently aſſembled.

Officer of the Guard, or Provoſt-martial, to receive Priſoners.

ART. XIX. No Officer commanding a Guard, or Provoſt-martial, ſhall refuſe to receive, or keep, any Priſoner committed to his Charge, by any Officer belonging to Our Forces; which Officer ſhall, at the ſame Time, deliver an Account in Writing, ſigned by himſelf, of the Crime with which the ſaid Priſoner is charged.

The Penalty if an Officer, or Provoſt-martial, releaſe a Priſoner without Orders.

ART. XX. No Officer commanding a Guard, or Provoſt-martial, ſhall preſume to releaſe any Priſoner committed to his Charge without proper Authority for ſo doing; nor ſhall he ſuffer any Priſoner to eſcape, on the Penalty of being puniſhed for it by the Sentence of a Court-martial.

Priſoners Names and Crimes to be returned within 24 Hours.

ART. XXI. Every Officer or Provoſt-martial to whoſe Charge Priſoners ſhall be committed, is hereby required, within Twenty-four Hours after ſuch Commitment, or as ſoon as he ſhall be relieved from his Guard, to give in Writing to the Colonel of the Regiment to whom the Priſoner belongs, (where the Priſoner is confined upon the Guard belonging to the ſaid Regiment, and that his Offence only relates to the Neglect of Duty in his own Corps), or to the Commander in Chief, their Names, their Crimes, and the Names of the Officers who committed them, on the Penalty of his being puniſhed for his Diſobedience or Neglect at the Diſcretion of a Court-martial.

The Penalty if an Officer break his Arreſt.

ART. XXII. And if any Officer under Arreſt ſhall leave his Confinement before he is ſet at Liberty by the Officer who confined him, or by a ſuperior Power, he ſhall be caſhiered for it.

Officers convicted of ill Behaviour to be caſhiered.

ART. XXIII. Whatſoever Commiſſioned Officer ſhall be convicted before a General Court-martial of behaving in a ſcandalous infamous Manner, ſuch as is unbecoming the Character of an Officer and a Gentleman, ſhall be diſcharged from Our Service.

SECT. XVI.

## SECT. XVI.

## Entry of Commiſſions.

ALL Commiſſions granted by Us, or by any of Our Generals having Authority from Us, ſhall be entered in the Books of Our Secretary at War, and Commiſſary-general, otherwiſe they will not be allowed of at the Muſters. All Commiſſions to be entered.

## SECT. XVII.

## Effects of the Dead.

### ART. I.

WHEN any Commiſſioned Officer ſhall happen to die, or be killed, in Our Service, the Major of the Regiment, or the Officer doing the Major's Duty in his Abſence, ſhall immediately ſecure all his Effects or Equipage then in Camp or Quarters; and ſhall, before the next Regimental Court-martial, make an Inventory thereof, and forthwith tranſmit the ſame to the Office of Our Secretary at War, to the End that his Executors may, after Payment of his Debts in Quarters, and Interment, receive the Overplus, if any be, to his or their Uſe. The Major to take care of an Officer's Effects when he dies;

ART. II. When any Non-commiſſioned Officer or private Soldier ſhall happen to die, or be killed, in Our Service, the then Commanding Officer of the Troop or Company ſhall, in the Preſence of Two other Commiſſioned Officers, take an Account of whatever Effects he dies poſſeſſed of above his Regimental Clothing, Arms, and Accoutrements, and tranſmit the ſame to the Office of Our Secretary at War; which ſaid Effects are to be accounted for, and paid to, the Repreſentative of ſuch deceaſed Non-commiſſioned Officer or Soldier: And in caſe any of the Officers, ſo authoriſed to take Care of the Effects of dead and the Commanding Officer, of any private Man's Effects.

Officers and Soldiers, ſhould, before they have accounted to their Repreſentatives for the ſame, have Occaſion to leave the Regiment, by Preferment, or otherwiſe, they ſhall, before they be permitted to quit the ſame, depoſit in the Hand of the Commanding Officer, or of the Agent of the Regiment, all the Effects of ſuch deceaſed Non-commiſſioned Officers and Soldiers, in order that the ſame may be ſecured for, and paid to, their reſpective Repreſentatives.

## SECT. XVIII.

## Artillery.

### ART. I.

These Rules to be obſerved by the Officers and others of the Trains of Artillery.

ALL Officers, Conductors, Gunners, Matroſſes, Drivers, or any other Perſons whatſoever receiving Pay or Hire in the Service of Our Artillery, ſhall be governed by the aforeſaid Rules and Articles, and ſhall be ſubject to be tried by Courts-martial, in like Manner with the Officers and Soldiers of Our other Troops.

Courts-martial to be held by them.

ART. II. For Differences ariſing amongſt themſelves, or in Matters relating ſolely to their own Corps, the Courts-martial may be compoſed of their own Officers; but where a Number ſufficient of ſuch Officers cannot be aſſembled, or in Matters wherein other Corps are intereſted, the Officers of Artillery ſhall ſit in Courts-martial with the Officers of Our other Corps, taking their Rank according to the Dates of their reſpective Commiſſions, and no otherwiſe.

## SECT. XIX.

## American Troops.

### ART. I.

THE Officers and Soldiers of any Troops which are or ſhall be raiſed in *America*, being muſtered and in

Pay, ſhall, at all Times, and in all Places, when joined, or acting in Conjunction with Our *Britiſh* Forces, be governed by theſe Rules or Articles of War, and ſhall be ſubject to be tried by Courts-martial in like Manner with the Officers and Soldiers of Our *Britiſh* Troops.

Troops raiſed in *America*, when acting in Conjunction with *Britiſh* Forces, to be governed by theſe Articles.

ART. II. Whereas, notwithſtanding the Regulations which We were pleaſed to make for ſettling the Rank of Provincial General and Field Officers in *North America*, Difficulties have ariſen with regard to the Rank of the ſaid Officers when acting in Conjunction with Our Regular Forces; and We being willing to give due Encouragement to Officers ſerving in Our Provincial Troops, it is Our Will and Pleaſure, That, for the future, all General Officers and Colonels ſerving by Commiſſion from any of the Governors, Lieutenant or Deputy Governors, or Preſidents, of the Council for the Time being of Our Provinces and Colonies in *North America*, ſhall, on all Detachments, Courts-martial, or other Duty, wherein they may be employed in Conjunction with Our Regular Forces, take Rank next after all Colonels ſerving by Commiſſions ſigned by Us, though the Commiſſions of ſuch Provincial Generals and Colonels ſhould be of elder Date: And, in like Manner, that Lieutenant Colonels, Majors, Captains, and other inferior Officers ſerving by Commiſſion from the Governors, Lieutenant or Deputy Governors, or Preſidents, of the Council for the Time being of Our ſaid Provinces and Colonies in *North America*, ſhall, on all Detachments, Courts-martial, or other Duty, wherein they may be employed in Conjunction with Our Regular Forces, have Rank next after all Officers of the like Rank ſerving by Commiſſions ſigned by Us, or by Our General commanding in Chief in *North America*, though the Commiſſions of ſuch Lieutenant Colonels, Majors, Captains, and other inferior Officers, ſhould be of elder Date to thoſe of the like Rank ſigned by Us, or by Our ſaid General.

Provincial General and Colonels, when employed on Detachments, Courts-martial, or other Duty, in Conjunction with the Regular Forces, are to take Rank next after all Colonels having the King's Commiſſion;

and, in like Manner, the Lieutenant Colonels, Majors, Captains, &c. in the Provincial Troops, are to take Rank next after all Officers of like Rank in the Regular Forces.

SECT. XX.

## SECT. XX.

## Relating to the foregoing Articles.

### ART. I.

These Articles to be read Once in every Two Months.

THE aforegoing Articles are to be read and publiſhed Once in every Two Months, at the Head of every Regiment, Troop, or Company, muſtered, or to be muſtered, in Our Service; and are to be duly obſerved and exactly obeyed by all Officers and Soldiers who are or ſhall be in Our Service, (excepting in what relates to the Payment of Soldiers Quarters, and to Carriages, which is, in Our Kingdom of *Ireland*, to be regulated by the Lord Lieutenant or Chief Governor or Governors thereof), and in Our Iſlands, Provinces, and Garriſons beyond the Seas, by the reſpective Governors of the ſame, according as the different Circumſtances of the ſaid Iſlands, Provinces, or Garriſons, may require.

Courts-martial may puniſh Criminals in Places beyond the Seas, where there is no Civil Judicature in Force, for Offences not puniſhable by theſe Articles.

ART. II. Notwithſtanding its being directed in the Eleventh Section of theſe Our Rules and Articles, that every Commanding Officer is required to deliver up to the Civil Magiſtrate all ſuch Perſons under his Command who ſhall be accuſed of any Crimes which are puniſhable by the known Laws of the Land; yet in Our Garriſon of *Gibraltar*, and Iſland of *Minorca*, where Our Forces now are, or in any other Place beyond the Seas, to which any of Our Troops are or may be hereafter commanded, and where there is no Form of Our Civil Judicature in Force, the Generals or Governors, or Commanders reſpectively, are to appoint General Courts-martial to be held, who are to try all Perſons guilty of Wilful Murder, Theft, Robbery, Rapes, Coining, or Clipping the Coin of *Great Britain*, or of any Foreign Coin current in the Country or Garriſon, and all other Capital Crimes, or other Offences, and puniſh Offenders with Death, or otherwiſe, as the Nature of their Crimes ſhall deſerve.

ART. III. All Crimes not Capital, and all Diſorders and Neglects, which Officers and Soldiers may be guilty of, to the Prejudice of good Order and Military Diſcipline, though not mentioned in the above Articles of War, are to be taken Cognizance of by a General or Regimental Court-martial, according to the Nature and Degree of the Offence, and be puniſhed at their Diſcretion.

A Court-martial may take Cognizance of Offences, though not mentioned in theſe Articles.

G. R.

# INDEX

# INDEX.

## Artificers.

5 *Geo. c.* 27. An Act to prevent ſeducing Artificers in the Manufactures of *Great Britain* into foreign Parts, 1—3

## Embezzlement of Stores. *See* Stores.

## Fortifications, and Lands purchaſed for Fortifications.

7 *Annæ, c.* 26. An Act for purchaſing Lands for the better fortifying *Portſmouth*, *Chatham*, and *Harwich*, 3—5

8 *Annæ, c.* 21. ——for veſting Lands in Truſtees, for the better fortifying and ſecuring the Harbours and Docks at *Portſmouth*, *Chatham*, and *Harwich*, 5—11

9 *Geo. c.* 32. ——for confirming Articles of Agreement between the principal Officers of the Ordnance and *Thomas Miſſing* of *Portſmouth* Eſquire, for Exchange of ſome Lands at *Portſmouth* for the Service of His Majeſty, 11—14

31 *Geo.* II. *c.* 39. ——for veſting Lands, *&c.* for better ſecuring His Majeſty's Docks, Ships, and Stores, at *Portſmouth*, *Chatham*, and *Plymouth*, and for better fortifying the Town of *Portſmouth*, and Citadel of *Plymouth*, in Truſtees, *&c.* 14—26

31 *Geo.* II. *c.* 38. ——for applying a Sum of Money granted by Parliament towards carrying on the Works and Fortifications at *Milford* Harbour, 27—36

32 *Geo.* II. *c.* 26. ——for applying a Sum of Money granted by Parliament towards carrying on the

Works and Fortifications at *Milford* Harbour, &c. 37—39

32 *Geo.* II. *c.* 30. An Act for making Compenſation to the Proprietors of Lands purchaſed for better ſecuring His Majeſty's Docks, Ships, and Stores, at *Chatham*, *Portſmouth*, and *Plymouth*, 39—46

2 *Geo.* III. *c.* 37. ——for veſting Lands, &c. upon the Sea Coaſts, in the Counties of *Kent*, *Suſſex*, and *Southampton*, on which Forts and Batteries have been erected for the Defence of the ſaid Coaſts, in Truſtees, for certain Uſes, &c. 46—56

4 *Geo.* III. *c.* 35. ——for making Compenſation to Proprietors of Lands, &c. as have been purchaſed upon the Sea Coaſts, in the Counties of *Kent*, *Suſſex*, and *Southampton*, on which Batteries have been erected, &c. 57—64

6 *Geo.* III. *c.* 102. ——to enable the principal Officers of the Navy to carry into Execution Articles of Agreement made for a Leaſe of Ground of the Dock Yard at *Plymouth*, 64—66

## Gunpowder.

21 *Jac.* I. *c.* 3. An Act concerning Monoplies, &c. 67

16 *Car.* I. *c.* 21. ——for bringing in of Gunpowder and Saltpetre from foreign Parts, 67—68

12 *Car.* II. *c.* 4. ——Tonage and Poundage, 68

1 *Jac.* II. *c.* 8. ——againſt the Importation of Gunpowder, Arms, and other Ammunition, and Utenſils in War, 68—69

5 & 6 *Gul.* & *Mar.* *c.* 16 —for the Importation of Saltpetre for One Year, 69—70

5 *Geo.* *c.* 26. ——for preventing the Miſchiefs which may happen by keeping too great Quantities of Gunpowder in or near the Cities of *London* or *Weſtminſter*, 70—72

11 *Geo.* *c.* 23. ——for making more effectual the Act of 5 *Geo.* 73—74

4 *Geo.* II. *c.* 29. ——for granting an Allowance upon the Exportation of *Britiſh*-made Gunpowder, 74—78

15 & 16 *Geo.* II. *c.* 32. An Act for preventing the Miſchiefs that may happen by keeping dangerous Quantities of Gunpowder in or near the Cities of *London* and *Weſtminſter*, 78—80

22 *Geo.* II. *c.* 38. ——for preventing the Miſchiefs which may happen by keeping too great Quantities of Gunpowder in any One Place, or carrying too great Quantities of Gunpowder together from One Place to another, 80—84

29 *Geo.* II. *c.* 16. ——to empower His Majeſty to prohibit the Exportation of Saltpetre and Gunpowder, Arms, Ammunition, *&c.* 84—85

31 *Geo.* II. *c.* 36. ——for continuing certain Laws relating to the Allowance upon the Exportation of *Britiſh*-made Gunpowder, *&c.* 86

33 *Geo.* II. *c.* 11. ——for taking down and removing the Gunpowder Magazine from *Greenwich* to *Purfleet*, &c. 87—101

4 *Geo.* III. *c.* 11. ——for continuing certain Laws relative to the Allowance upon *Britiſh*-made Gunpowder, *&c.* 102

11 *Geo.* III. *c.* 35. ——for reducing into One Act the ſeveral Laws relating to the keeping and Carriage of Gunpowder, *&c.* 103—107

12 *Geo.* III. *c.* 56. ——to continue ſeveral Laws relating to the Allowance upon the Exportation of *Britiſh*-made Gunpowder, *&c.* 107

12 *Geo.* III. *c.* 61. ——to regulate the Making, Keeping, and Carriage, of Gunpowder within *Great Britain*, and to repeal the Laws heretofore made for any of thoſe Purpoſes. 108—123

## Harbour Moorings near the King's Magazines.

10 *Annæ*, *c.* 17. An Act for the better collecting and receiving the Duties granted for the Support of *Greenwich* Hoſpital, and for the further Benefit thereof, and for the preſerving Her Majeſty's Harbour Moorings, 124—125

## Highways.

# INDEX.

## Highways.


7 & 8 *Gul. & Mar. c.* 29. An Act for the better repairing the Highways, *&c.* 125

7 *Geo.* III. *c.* 42. ——to explain, amend, and reduce into One Act, the ſeveral Statutes now in being for the Amendment of the Highways, *&c.* 125—126

8 *Geo.* III. *c.* 5. ——to explain, amend, and render more effectual, the above Act of 7 *Geo.* III. 127


## Informations upon penal Statutes.


21 *Jac. c.* 4. An Act for the Eaſe of the Subject concerning Informations upon penal Statutes, 128


## Iron Manufacture.


1 *Annæ, c.* 18. An Act for the more effectual preventing Abuſes and Frauds of Perſons employed in the Working up the Woollen, Linen, Fuſtian, and Iron Manufacture of this Kingdom, 128—129

5 *Annæ, c.* 30. ——for reviving and continuing the above Act of 1 *Annæ,* 129


## Metal.


33 *Hen.* VIII. *c.* 7. A Bill for the Conveyance of Braſs, Latin, and Bell Metal, over the Sea, 130

1 & 2 *Edw.* VI. *c.* 36. ——for carrying Bell Metal out of the Realm, 131

5 & 6 *Gul. & Mar. c.* 17. ——for Exportation of Iron, Copper, and Mundick Metal, 132


## Mills.


23 *Eliz. c.* 5. An Act touching Iron Mills near unto the City of *London,* 132—133


## Mines.


5 & 6 *Gul. & Mar. c.* 6. An Act to prevent Diſputes and Controverſies concerning Royal Mines, 133—134


## Mutiny.

# INDEX.


## Mutiny.

14 *Geo.* III. *c.* 3. An Act for punishing Mutiny and Desertion; and for better Payment of the Army and their Quarters, 134—138

## Navy.

5 *Eliz. c.* 5. An Act touching the Politick Instructions of the Navy, 138

13 *Car.* II. *c.* 9. ——for establishing Articles and Orders for the regulating and better Government of His Majesty's Navies, Ships of War, and Forces by Sea, 139

5 & 6 *Gul. & Mar. c.* 25. ——for the better Discipline of Their Majesties Navy Royal, 139—140

## Paving.

8 *Geo.* III. *c.* 62. An Act for the better paving and cleansing the Streets, and other publick Passages, in the Town of *Portsmouth*, and for preventing Nuisances and Annoyances therein; and for widening and rendering the same more commodious, 140—146

## Saltpetre.

1 *Annæ*, *c.* 13. An Act for granting an Aid to Her Majesty, by divers Subsidies and a Land Tax, 146—148

## Seamen.

22 & 23 *Car.* II. *c.* 23. An Act to revive an Act, to prevent the Disturbance of Seamen and others, and to preserve the Stores belonging to His Majesty's Royal Navy, with some Alterations and Additions, 149—150

## Ships of War.

6 *Geo. c.* 19. An Act for making perpetual so much of the Act of the 10th of Queen *Anne*, for the reviving

and continuing ſeveral Acts therein mentioned; and alſo an Act of the Eleventh and Twelfth *Gul.* III. for the more effectual Suppreſſion of Piracy, and for making more effectual the Act of the Thirteenth *Car.* II. intituled, *An Act for eſtabliſhing Articles and Orders for the regulating, and better Government of His Majeſty's Ships of War, and Forces by Sea.* 151

## Squibs.

9 & 10 *Gul.* III. *c.* 7. An Act to prevent the throwing and firing Squibs, Serpents, and other Fireworks, 152—153

## Stores.

31 *Eliz. c.* 4. An Act againſt embezzling of Armour, Habiliments of War, and Victuals, 153

16 *Car.* II. *c.* 5. ——to prevent the Diſturbance of Seamen and others, and to preſerve the Stores belonging to His Majeſty's Royal Navy, 154—155

22 *Car.* II. *c.* 5. ——for the taking away the Benefit of Clergy from ſuch as ſteal or embezzle His Majeſty's Ammunition and Stores, 155—156

9 & 10 *Gul.* III. *c.* 41. ——for the better preventing the Embezzlement of His Majeſty's Stores of War, *&c.* 156—159

1 *Geo. c.* 25. ——to prevent Diſturbance of Seamen and others, and to preſerve the Stores belonging to His Majeſty's Navy Royal; and alſo for the better explaining an Act for the better preventing the Embezzlement of His Majeſty's Stores of War, 160—161

9 *Geo. c.* 8. ——for continuing ſome Laws, and reviving others, and for the Preſervation of Naval Stores, *&c.* 162

17 *Geo.* II. *c.* 40. ——for explain, *inter alia*, Two Acts, relating to the Proſecution of Offenders for embezzling Naval Stores, and Stores of War, *&c.* 163—166

12 *Geo.* III. *c.* 24. An Act for the better securing and preserving His Majesty's Dock Yards, Magazines, Ships, Ammunition, and Stores. 167

## Timber.

27 *Eliz. c.* 19. An Act for the Preservation of Timber, in the Wields of the County of *Sussex*, *Surry*, and *Kent*, 168

14 *Geo.* III. ——Rules and Articles for the better Government of the Horse and Foot Guards, 169

FINIS.

# INDEX